

DOCUMENT RESUME

ED 149 458

EA 010 275

TITLE The Elementary and Secondary School Civil Rights Survey: An Analysis.
INSTITUTION Children's Defense Fund, Washington, D.C.
PUB DATE Sep 77
NOTE 240p.; Appendix B may be illegible due to small print ; Best copy available
AVAILABLE FROM Children's Defense Fund, 1520 New Hampshire Avenue, N.W., Washington, D.C. 20036 (\$2.00)
EDRS PRICE MF-\$0.83 HC-\$12.71 Plus Postage.
DESCRIPTORS *Civil Rights; Elementary Secondary Education; *Federal Programs; *National Surveys; *Program Descriptions; Questionnaires; School Statistics; *Students
IDENTIFIERS *Elementary Secondary School Civil Rights Survey

ABSTRACT

This report discusses the controversy over the Elementary and Secondary School Civil Rights Survey, which has been conducted since 1966 by the Office for Civil Rights to gather data to guide federal enforcement of children's civil rights in the public schools. Part 1 addresses the most commonly asked questions about the survey (eg., why it exists, its principal features, and its relationship to other federal data collection efforts) and offers recommendations for its continued conduct. Part 2 examines school officials' arguments against the survey. Part 3 presents a selected chronology of events in the survey's historical evolution, focusing mainly on the events beginning in 1975 that led up to the present controversy. The appendix contains a glossary of technical terms used in the report, copies of the 1976-77 survey instruments, results of a case study of data collected on all federal and state educational reporting forms, a chart explaining the survey's planning and clearance procedures, and a discussion of waivers of reporting requirements for the 1976-77 survey. (Author/JG)

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The Elementary and Secondary School Civil Rights Survey: An Analysis

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September 1977

EA 010 275

THE ELEMENTARY AND SECONDARY SCHOOL

CIVIL RIGHTS SURVEY:

'Bureaucratic Balderdash'

or the

Cornerstone of Civil Rights Compliance

in Public Schools?

*An Analysis by the
Children's Defense Fund
of the
Washington Research Project, Inc.*

September 1977

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FOREWORD

Responsible public policy concerning American families and children requires the responsible collection of information concerning their conditions and needs. In recent years, however, federal data collection requirements have come under increasing attack by those who seek less government intervention, less government paperwork and red tape, and less public accountability for their actions. At the same time, there has been a growing recognition that more effective and efficient policies and programs require good data, and that taxpayers and consumers of services have a right to such efficiency and to have accurate and timely information in order to monitor how well federal monies are being spent.

This report is about one piece of the federal data controversy: the Elementary and Secondary School Civil Rights Survey. Conducted since 1966 by the Office for Civil Rights (OCR) in the Department of Health, Education and Welfare (HEW), the Survey is the cornerstone on which federal enforcement of children's civil rights in public schools rests. It is also the only federal source of data on what happens to children in individual public schools and school districts throughout America.^{1/}

Advocates must begin to understand the crucial role data collection plays in effecting change on behalf of children. Parents must insist on their right to know how well schools are educating their children, particularly if they are the parents of children

^{1/}There are other federal reports and data on public schools, and state data for all 50 states can be compiled, but all these other sources do not identify with specificity the outcomes of policies and practices in individual schools and districts.

who may have problems attributable to mental, physical or emotional handicaps, to their race or to their sex. School officials too must begin to understand the value of data in helping them meet the needs of all the children they are responsible for educating and in building more public confidence in public schools. Taxpayers and public officials must also understand the importance of data to the ability of local officials, citizens and parents to monitor school policies and practices.

We believe that the more tools parents and local advocates have to enforce the law on children's behalf, the less need will exist for federal compliance actions against local school districts. Information, such as that provided by the Civil Rights Survey, is one such tool. In order to aid local citizens and parents, CDF will have available in the near future a booklet describing key data sources about children available at the federal, state and local level and how such data may be obtained and used. We will also have available an advocacy handbook specifically on the Civil Rights Survey for parents and advocates interested in public schools.

I want to give special thanks to Franna Diamond and Paul Smith who did a lion's share of the work on this report. Thanks also go to Rochelle Beck and Judy Smith for their editorial help, to Barbara Waters for her assistance in preparing the manuscript, and to members of the Education Coalition for their careful reading and comments. CDF accepts final responsibility for its contents.

Marian Wright Edelman
Director

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INTRODUCTION

Opening up schools' educational policies and practices to public scrutiny and gathering facts related to race, sex and handicap discrimination within schools have raised the hackles of school officials and others who resist public and governmental involvement in education or civil rights enforcement activities. Many school officials have opposed, tried to delay or scuttle altogether the Civil Rights Survey. Some school officials have even counseled others not to submit the required information. Many charges have been levied against the Survey and efforts to undermine it persist.

Yet when we met with various federal, state and local officials concerning school officials' charges, it became clear to us that few understand the facts, the Survey's significance, its purpose, how it fits in to federal responsibilities for civil rights enforcement in public schools and how it can be improved. This report is our attempt to put the Survey's functions, strengths, and the criticisms about it into perspective.

The report has three major sections. First, the Overview addresses the most commonly asked questions about the Survey, why it exists, its principal features, its relationship to other federal data collection efforts, and our major recommendations for its continued conduct. Part II examines school officials' arguments against the Survey. Part III is a selected chronology of the Survey's evolution, focusing on the events, beginning in 1975, leading up to the

present controversy. At the end of the report are several Appendices including a glossary of technical terms used throughout the report; copies of the 1976-77 Survey instruments; charts showing other Surveys conducted and the development of individual Survey questions; the detailed results of a CDF case study of data collected on all major federal and state educational reporting forms; a listing from one local superintendent of federal, state and local forms and information requirements he must respond to; a chart explaining the Survey's planning and federal clearance procedures, and a discussion of waivers of the 1976-77 Survey granted school districts by OCR.

It is time for school officials, civil rights and child advocate groups and officials responsible for enforcing the law on behalf of all the nation's children to sit down together and work out an acceptable data collection effort that is neither overly burdensome for administrators nor ineffective in pinpointing targets for civil rights enforcement.

We know that resolution of this subject in the past has been difficult. The combination of the variety of bureaucratic procedures in the federal government controlling the Survey, the many general and often conflicting statements of school officials against the Survey, the technicalities of its design and methodology and the several laws that this one Survey must be responsive to have sometimes clouded the fundamental issues or frightened away from the debate those who could not follow it all.

But data issues need not be so intimidating. Information collection and dissemination involve fundamental issues of public accountability and are too important to be left to "experts." Every parent, citizen and advocate should assert their "right to know" how well public officials are performing public functions. And the Carter administration must decide how serious it is about enforcing the laws protecting every child's access to education.

PART I

OVERVIEW: QUESTIONS MOST COMMONLY ASKED
ABOUT THE ELEMENTARY AND SECONDARY SCHOOL CIVIL RIGHTS SURVEY
AND THE CURRENT CONTROVERSY

What Is the Civil Rights Survey?

The Civil Rights Survey consists of two forms -- a school district-wide summary form called "OS/CR 101"; and an individual school campus form, called "OS/CR 102." The data collected on these forms are the only national source of information on: (1) minority children placed in segregated classrooms within "desegregated" schools; (2) minority children placed in special, isolated programs or excluded from essential school activities; (3) minority students over- or under-represented in classes for children with special needs, and (4) minority children suspended or expelled. If the Survey continues to do its job, it will also produce the only national source of information on segregation by sex in vocational and other special education programs or classes; on whether language minorities are receiving instruction in a language comprehensible to them, and on whether handicapped children are being served and the extent to which barriers to their inclusion into "normal" school activities are removed.

How Did It Come About?

The Survey was initially designed to fulfill partially the obligations of the federal government in enforcing Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin.^{1/} The Office for Civil Rights (OCR), responsible for enforcing Title VI anti-discrimination provisions of the law as they apply to all programs and activities funded by the

^{1/}42 U.S.C. 2000d.

Department of Health, Education and Welfare (HEW), designed the Survey to use as one law enforcement mechanism to ensure that federal funds were not being spent by public educational institutions engaging in discriminatory practices outlawed by Title VI.

Since then, new areas of discrimination in education have come to the attention of the public, and Congress and the courts have mandated they be abolished. Each new piece of legislation and each court decision have added to OCR's responsibilities and have widened the scope of the Survey. In addition to Title VI, it now covers: Title IX of the Education Amendments of 1972, prohibiting discrimination on the basis of sex;^{2/} Section 504 of the Rehabilitation Act of 1973, prohibiting discrimination on the basis of handicap;^{3/} and the Supreme Court decision in *Lau v. Nichols*, which extended Title VI to protect children with limited English-speaking ability.^{4/} Completion of the Civil Rights Survey is required under each of the above titles.

These laws specifically direct that attention be focused on public schools and other state and local education agencies. Congress did not choose such language by accident. Each law was passed after Congress had determined -- based on massive documentation -- that discriminatory practices in these areas on the basis of race, national origin, sex and handicap were widespread in public school programs, and that state and local school officials had neither the will

^{2/} 20 U.S.C. 1681.

^{3/} 29 U.S.C. 794.

^{4/} 414 U.S. 563 (1974).

nor resources to eliminate them entirely on their own.

Not only do these laws prohibit discrimination by recipients of federal funds, they also place clear responsibility for their enforcement on the heads of federal departments -- in this case, on the Secretary of HEW who delegates his duty to secure their uniform enforcement throughout the nation to the Office for Civil Rights.

How Often Is It Conducted?

From 1968 to 1974, the Survey was conducted annually. It is presently conducted biennially.

Under the Nixon and Ford Administrations, the execution of the federal duty to enforce civil rights laws was so lax that civil rights lawyers were forced to sue the Secretary of HEW in Federal court. The decision in the case, *Adams v. Mathews*,^{5/} now requires a national survey at least every second year, with additional special surveys of state-run educational institutions and of vocational programs.

The most recent Survey was conducted for the 1976-77 school year, and the next one will be conducted in Fall 1978.

What Kind of Information Does the Survey Gather?

The Survey requests straight-forward, common sense information about the kinds of topics any school board or PTA member needs to know about how each school is serving its children. For example, it asks about the number of children enrolled in the school district;

^{5/}Civil No. 70-3094 (D.D.C. June 14, 1976). The order also states that the Survey can not be made a sham or an empty vessel by restricting either the coverage of districts or the coverage of school practices -- defeating the goal of effective uniform national enforcement of civil rights laws.

the kinds of classes to which they have been assigned; how they have been classified; how they have been disciplined; how many have not been promoted, and how these children break down by race, national origin, sex and handicapping condition.

It also asks about such matters as the number of pupils in the district for whom the language of instruction should be other than English; the number of children who are taught in the languages they do speak; the number of handicapped pupils who reside in the district; the number placed in public or private programs other than those run by the reporting district; the number receiving homebound instruction; the number who attend school in the district but do not live there; the number who have undergone comprehensive evaluation of their disability in the last two school years, and the number of full-and part-time special education teachers in the district.^{6/} The Survey does not ask for personal information about individual students or any information protected by the Family Educational Rights and Privacy Act.

How Is the Information Used?

The Survey is a tool to enable OCR to monitor systematically public schools' compliance with laws intended to end discrimination against racial and language minority children, girls and children with handicapping conditions. In order to enforce effectively the law on behalf of these children, OCR must have a coherent compliance program that includes conducting on-site reviews of school districts

^{6/}The 101 and 102 forms used in the most recent (1976-77) Survey are reproduced in Appendix B.

and investigations to gather useful and accurate evidence, and redressing discriminatory policies and practices if and when they are found. The information collected by the Survey is essential to designing such a compliance program because it provides the initial statistical data which can point up evidence of potential discrimination, thus enabling OCR to set priorities for identifying districts for field reviews.

Does the Data Collected Alone Constitute Proof of Discrimination?

No. The collection of data identifying potential discriminatory practices is a necessary first step to OCR's undertaking of a routine compliance program to identify, investigate and eliminate discrimination where it may exist in public school policies and practices -- but only a first step. While districts may be selected for review on the basis of Survey returns, only a field compliance review can determine whether or not discrimination in fact occurred.

Why Aren't Individual Complaints Enough?

Effective enforcement of nondiscrimination laws in large public institutions like school districts can not depend merely on the actions of private parties or individual complainants, or on the use of unsubstantiated assurances of compliance. It is nearly impossible to document a charge of discrimination against a school on behalf of one child without access to at least statistical summaries of other children's records. In the absence of a uniform data collection system like the Civil Rights Survey, comparisons of the conditions in a particular school or district are usually impossible to

make. Without the Survey, well-founded complaints would go unaddressed for lack of a reference standard. School officials understand this, and it is for too many of them the basis for their opposition to the Survey's continuance.

Is the Survey Unnecessarily Intrusive in Local Affairs?

We think not. The Secretary of HEW has only two means of obtaining the information that makes possible the uniform national enforcement of civil rights laws: a survey like the one currently conducted by OCR which permits the government to know what is going on in the schools it must monitor without actually being present in those schools; or a massive national program of random on-site visits to individual school districts. The plain fact is that the burden, the cost and the intrusion to both the federal government and to local school districts would be far greater with the latter alternative than it is now with the former.

There are federal laws the federal government must enforce. There is a crucial national interest in ensuring that federal money is not being spent illegally or ineffectively by those entrusted to administer it for the benefit of others: in this case, children.

Is the Data the Survey Collects Still Needed?

Yes. History has shown that discriminatory treatment of children who are "different" dies hard. It is true that desegregation of the nation's schools has moved forward from the deeply rooted and unyielding physical and *de jure* separation of minority youngsters

found throughout the deep South and elsewhere in 1954. But education still is not integrated or equal for many children. Hundreds of thousands of American children each year face total exclusion from public schools, or separate, unequal and therefore, discriminatory, education within them.

A second generation of devices to segregate and to discriminate has developed in schools throughout America. The 1970 U.S. Census tells us that nearly two million children were not enrolled in school and that a disproportionate number of them were minority children. But to explore the reasons for this exclusion, there are almost no sources of data to which to turn. Only the Civil Rights Survey can show the patterns of exclusion of certain groups of children from school by race and placements of certain groups of children within schools. For example:

- 1973-74 Survey data show that, nation-wide, black secondary students were suspended at almost twice the rate of whites.
- In selected districts, blacks were suspended at 5 times the white rates, with similar disparities for Spanish-speaking and Native American children.
- The 1973-74 Survey also shows that black children were more than 3 times more likely to be placed in classes for the educable mentally retarded.
- Black children were also 3 times more likely to be placed in totally isolated schools for children with special needs.^{7/}

The quality of children's treatment and their placements in school systems which theoretically have been desegregated must remain

^{7/} For more analysis of OCR data on special education, see Chapter 4 in Children Out of School in America, A Report by the Children's Defense Fund (Cambridge, Massachusetts: 1974) and for suspension data, see School Suspensions: Are They Helping Children? A Report by the Children's Defense Fund (Cambridge, Massachusetts: 1975).

an issue of continuing national concern. Otherwise, the massive and costly human and political investment of the last two decades to make equal educational opportunity a reality will have been wasted.

The 1976-77 Survey, in addition to including 3,600 districts as part of OCR's ongoing civil rights enforcement effort under Title VI, surveyed all 16,000 school districts receiving federal funds in order to gather the baseline data necessary to begin a Title IX (sex) and Section 504 (handicap) enforcement effort, thus taking on added importance.^{8/}

Who Has Access to the Data?

The Civil Rights Survey is subject to the Freedom of Information Act. This means that completed Survey forms are available to any individual who requests them for the cost of reproduction (generally not more than ten cents a page). For many parents across the country, this is the only way they can evaluate or begin to know what is going on inside their children's schools. When one newspaperman tried to follow-up on a local story about school suspensions, he started by being skeptical of "federal" statistics on his town's school practices. But when he found that none of his local schools had any other information on disciplinary practices and that the only information

^{8/} The original baseline Survey was designed to look only for discrimination on the basis of race, color and national origin. Until 1974, it covered more than 50 percent of the nation's total public school enrollment and about 90 percent of the minority school enrollment. But since girls and handicapped children are distributed differently across the country than racial or ethnic minorities, a new Survey needs to be done once again to select targets for future Surveys.

he could get was what the Survey required, his attitude toward it changed. He realized neither he nor anyone else could answer questions about many aspects of the quality of education in his school district without it.^{9/}

Where Is It Available?

School systems can furnish copies of their completed Survey forms to parents and local community organizations, but they are not required to do so. If they refuse, the forms can be obtained from any of OCR's regional offices or from the central OCR office in Washington. (Department of Health, Education and Welfare, Office for Civil Rights, 330 Independence Avenue, S.W., Washington, D.C. 20201)

What Is the Current Controversy About?

At the center of the current controversy is the 1976-77 school year Survey, the first to include questions directed toward enforcement of the *Lau* decision, Title IX and Section 504. While responsibilities for enforcement of nondiscrimination laws in the areas of

^{9/} Schools obviously vary greatly in how much information they record and how good their records are. A few schools or districts do not even keep the information required by the Survey. In this particular town, school principals only kept the barest of records. If it was not required by some state or federal report, it was not kept. Thus, they had the Survey data, but more detailed information on, say, the causes of suspension were not available because they were not required. In fact, in the majority of the school districts CDF visited for its studies of school suspension practices and of children out of school, no information on these important facts was available. Relatively few districts voluntarily kept records detailed enough so that research or administrative judgments could be made about disciplinary policies and practices.

In addition, some principals who did require that good records be kept never did anything further with them. They had the data on hand -- for OCR and for themselves -- but in the crush of other demands on their time, they had never asked for the kinds of analyses OCR does or that others can do from its Civil Rights Survey data.

sex and handicap have been assigned to OCR for some time, this is the first time a "baseline" survey covering these additional areas has even been conducted. This year's Survey, therefore, involves more school districts than in previous years, and asks some new questions of all of them.

As a result, school officials who were not surveyed before, or those who answered fewer questions in the past, raised their voices loudly against this addition to their routines. Their protests have been vociferous, well-orchestrated and high-pitched. And they have been joined by many who seize every opportunity to subvert active civil rights enforcement.

Since we analyze their charges in detail in the next section of this report, we will only state here our own view that after examining school officials' charges and conducting our own study of the alleged redundancy, burden, ineptness and poor planning of the Survey, we find that school officials' charges are grossly overstated. However, readers can decide for themselves after reading Part II.

Does the Survey Place a New Burden on Local School Systems?

No. Indeed, it is ironic that the charge of "burdensomeness" is the loudest now when the federal government collects less educational data than ever in the past ten years. Now on a biennial schedule, the Civil Rights Survey will actually reduce administrators' reporting requirements. After the completion of the 1976-77 Survey to get baseline data on sex and handicap, future reporting will be

limited to selected districts, reducing overall effort. Moreover, the overwhelming majority of districts, even for the 1976-77 Survey, needed to submit only a three-page 101 form. Most, therefore, will have far less to report than in the past.

In the larger even-year Surveys in the past, 8,000 districts had to file a separate report for each individual school as well as a district-wide form. In 1976, only 3,600 districts filed school-by-school reports although all 16,000 filed district-wide summary forms. This constitutes a 40 percent reduction in the number of forms submitted.

Does It Duplicate Other Federal Reports?

No. In order to analyze the charge that the Civil Rights Survey is duplicative of other surveys or reports, we looked at all of the major federal and state reports filled out by local school officials in one state each year. There were 5 required annual federal reports, totaling 14 pages of data. Two pages requested racial and ethnic data on faculty for the Equal Employment Opportunity Commission; 12 pages were of financial statistics for the Bureau of the Census in the Department of Commerce and for NCES.^{10/} There was not a single page of data requested on school children. Furthermore, only three questions on either of the Survey forms duplicated data asked for elsewhere, and this duplication was an intentional overlap

10/

Financial and management statistics collected annually include the Survey of Local Government Finances - School Systems (form F-33, Bureau of the Census), the Survey of Government Employment - School Systems (form E-6, Bureau of the Census), Elementary-Secondary Staff Information (EEO-5, also EEOC-168, Equal Employment Opportunity Commission).

between the Survey and Emergency School Assistance Act (ESAA) applications which are designed to allow local districts to use Survey figures for all racial census information required. (Survey figures are also accepted to satisfy the needs assessment requirements of an ESAA application.)

Because of the Survey's long history, its existence has been presumed by several other major federal educational programs. The Survey, therefore, rather than duplicating other federal reports, actually serves to cut down on the number of reports required for several federal aid programs. If the Survey were abolished, many individual applications and activity reports for federal education programs would need to be expanded, since it can not be assumed that a school applying for one federal program will necessarily apply for others. Therefore, the absence of the Survey would lead to considerable duplication of federal reporting requirements.

Does It Duplicate State-Required Reports?

Our Massachusetts study showed that at the state report level, only three questions from the Civil Rights Survey were duplicative. (All three related to handicapped students and were the result of that particular state's strong special education law). Since the Survey must cover all 50 states, it will produce occasional duplications where strong state civil rights laws exist and where state enforcement occurs. But overall, it is striking how little duplication in fact occurs with the various state forms. As we discuss further in Part II, charges of duplication between the Survey and state-required reports are exaggerated.

Does the Federal Government Require More Data Collection than the States?

No. Our Massachusetts study showed that the massive number of forms administrators fill out are state forms, yet it is against the federal Survey on civil rights that they protest. For example, in Massachusetts a single state school statistical report was eight times longer than the total of all annual federal reports filed by a local school district.

Does the Survey Cost Local Districts Too Much?

No. One educational organization recently testified that it would cost the average school district 17 cents per child to complete the Survey. It is difficult to evaluate such an estimate. Clearly, how much it costs a district to fill out the forms depends on such variables as the size of the district, how efficiently it is administered, and how closely its existing pupil accounting systems match the questions asked. But even if such an estimate were accurate, we believe that charges concerning costs really represent attempts by some school systems to evade the real issue: establishing proper accounting systems to ensure that no child is discriminated against or receives a second-rate education.

Was There Inadequate Lead Time Notice of the 1976-77 Survey?

No. The Council of Chief State School Officers had continuous notice about the 1976-77 Survey for more than a year because it was formally involved in the planning process as the pretest instruments for the Survey were developed. They and some of their professional representatives simply chose to withhold information about the Survey

from local school districts. In addition, state and local education agencies were informed almost a year ahead of time of their continuing obligation to compile and retain civil rights survey information for the 1975-76 school year.

Is the Requested Information Available?

Yes. An evaluation of the pretest of the 1976-77 Survey instruments found that in the overwhelming majority of school districts participating in the pretest -- over 95 percent -- the requested data was readily available. The contractor's most recent report on the status of actual Survey returns indicates a similar pattern, as we discuss in Appendix I. It appears that school districts whose existing recordkeeping procedures have monitoring features built in experienced little difficulty completing the Survey.

Does the Survey Take Time Away from Education?.

No. OCR's compliance program, in which the Survey plays a fundamental role, is essential to the education of minority, female and handicapped children. Children are not merely another interest group in this matter. They are the reason schools exist and educators are paid. It is unlikely they will be treated fairly without an instrument like the Survey to tell us all when they may not be. Furthermore, the data requested by OCR can be furnished largely by school districts' administrative staff, who do not play a direct role in children's education.

Why Do Some School Officials Resist the Survey?

The results of policies and practices that exclude, desegregate and discriminate against certain kinds of children would never come to light without the Civil Rights Survey. To the extent that OCR has been able to enforce the civil rights assurances of Title VI in the past, it has done so only because it has been able to use the Survey as a tool for determining statistical discrepancies after prodding by outside groups. School officials know this and that is why some resist the Survey.

Do All School Officials Oppose the Survey?

No. Many of them realize that the information it collects is valuable to administrators who want to run their schools and districts efficiently and do a good job of educating all their children. When CDF analyzed 1973-74 Civil Rights Survey data on suspensions, many school principals and superintendents wrote us that they were shocked. Many had never compiled and analyzed the data as a whole. They had not, therefore, seen the patterns the Survey data demonstrated. Upon seeing them, some school officials reassessed their policies and practices. One city reported its suspension rate was reduced by 85 percent after looking at the data carefully and changing some of its policies. Other city and state officials have used Survey data to judge the outcomes of practices in their schools and to ascertain where trouble spots were in order to focus their activities. Without the Survey, no more than a handful of the nation's 16,000 school dis-

tricts would have analyzed the information about their own schools necessary to do this assessment. None would have had the benefit of state and national comparisons.

WHAT WE RECOMMEND

What Do We Recommend?

We believe that public accountability for public monies and an end to discrimination in our public schools are important mandates that must be weighed against school officials' cries of inconvenience or burden. School officials who are doing their jobs well or who want more help so that they can do them better have nothing to fear from sharing data with the federal government and the public. Indeed, the Survey's data may be a useful tool as they seek extra financial and technical assistance to meet the increasing demands to serve a wide variety of children's educational needs.

States and localities should no longer be allowed to refuse to take the steps to amass the necessary data so that they, as well as the public, can begin to see how well schools are educating children. It is in the spirit of mutual interest to serve all our children on an equal basis that the federal government, state and local education officials and the public must approach the Civil Rights Survey.

Specifically, we recommend the following:

1. The completion of the 1976-77 Elementary and Secondary School Civil Rights Survey must go forward. No further extensions should be given for submission of the Survey forms, and no more waivers granted. Prompt analysis and dissemination of the data should occur.
2. ESAA funds should be withheld immediately from districts which failed to submit Survey forms by March 1, 1977.

3. School districts not applying for ESAA funds which failed to submit data should be reviewed. In particular, their applications for federal grants -- such as ESEA Title I and LEAA Juvenile Justice and Delinquency Prevention grants -- should be examined to see whether they have reported data elsewhere which is similar or related to the data withheld from OCR. Where grounds exist to believe that noncompliance or missing data may be deliberate, field compliance reviews should be instituted.
4. OCR should prepare and release a public notice regarding the schedule for future Civil Rights Surveys and the requirements for school districts to prepare and maintain locally completed Survey forms in alternate years when the primary Survey is not conducted.
5. OCR should immediately prepare and release revised requirements regarding the maintenance of civil rights data and other local recordkeeping requirements incumbent upon public schools.
6. OCR should develop statistical tests which will identify incomplete or inaccurate Survey returns.

Follow-up investigations should be scheduled, which should lead to termination hearings when statistical indications of inaccurate reporting by school districts are supported by the field reviews.

7. OMB and other clearance agencies and committees such as EDAC must modify their clearance procedures in order to provide early approvals for the Civil Rights Survey and other related compliance mechanisms. Early approval is necessary so that school officials and the public can be informed about the schedule and general contents of the Survey well in advance of its actual conduct, and so that development of specific questionnaire items (which require pretesting and collaborative review with non-OCR agencies) can occur. The results of such modifications will remove any incentive for states and local school districts to fail to make preparations for compliance reporting in the hopes that final approval for the Survey's conduct will be withheld.

While we call for consultation and planning, we are not advocating an unending process of negotiation and conference. After hearing all points of view, OCR must get on with the business of enforcing civil rights laws. Those who disagree with the outcome must find ways

of expressing their dissent without impeding the enforcement of these laws on behalf of minority, female, handicapped and limited English-speaking ability children.

PART II

RESISTANCE TO THE ELEMENTARY AND SECONDARY

SCHOOL CIVIL RIGHTS SURVEY

...The Department [HEW] cannot be expected to operate an effective and credible civil rights enforcement program without meaningful compliance data collected on a regular basis.

Excerpt from letter of Marjorie Lynch, then Under Secretary, Department of Health, Education and Welfare, to Paul O'Neill, then Deputy Director, Office of Management and Budget, 19 October 1976.

I have just received from the Office for Civil Rights 129 pages, in sextuplicate, of bureaucratic balderdash which comprise H.E.W. survey forms OS/CR 101 and 102 for Middleborough Public Schools. We are informed that the Feds require voluminous information, some of which is no longer available (e.g., discipline reports for the 1975-76 school year, which our pupil record law requires to be destroyed). We are further given a completely unrealistic time-line considering that much of the requested data is not available but must be produced from our records for the first time. Special education data for instance is kept only by prototype in Massachusetts, not by disability label.

Imagine nine pages of reports for each of ten elementary schools, three of which are one room and three of which are two room schools, and I think you can begin to see the utter ridiculousness of this HEW-OCR request.

The timing could not have been worse. We are in the midst of budget preparations, preparing for Christmas pageants and faced with the Christmas vacations. Doesn't anyone in Washington think of the implications of these activities on our administrative availability or more importantly, the exorbitant [sic] costs of compiling, editing and transcribing this data locally?

...Please help us with this mess. In our opinion these reports are unrealistic, wasteful of energy, time and money, and unnecessary.

Excerpted letter of Lincoln D. Lynch, Superintendent, Middleborough Public Schools, Middleboro, Massachusetts, to Gregory R. Anrig, Massachusetts State Commissioner of Education, 14 December 1976.

These two quotations represent opposite ends of the spectrum on the question of the contents, continuation, and use of the Elementary and Secondary School Civil Rights Survey. On one side are those who must enforce a variety of laws and court decisions prohibiting discrimination in public schools receiving federal funds. Data collection for them is the critical first step in ascertaining which of the nation's 16,000 school districts (and which of the many schools within each district) are the most likely to be engaging in policies and practices that exclude, segregate or offer second-class educational services to minority, handicapped and female youngsters.

On the other side are those who are accountable for the policies and practices in school districts and who must fill out the Survey forms. Data collection for them is perceived as an additional bureaucratic bother and one that exposes them to public and possibly legal scrutiny if they are selected for review. Between these two opposing views are a host of other players concerned with the data OCR collects: civil rights groups, educational researchers, school board members, parent and teacher groups, journalists and members of Congress, among others.

The two ends tug public opinion and decision makers in opposite directions: strengthen the Survey versus do away with it; collect better information versus collect much less information; tie the Survey more integrally with OCR enforcement strategies versus move the Survey away from a compliance agency to the National

Center for Education Statistics (NCES); monitor local practices versus reduce federal intervention; open school practices up to public accountability versus retain professional autonomy.

While there will always be differences of opinion about these matters, these polarities need not and should not remain so antagonistic. As the preceding section of this report shows, the Survey grew out of hard facts and has a specific purpose. It is an instrument that is not only useful for the enforcement of school children's civil rights, but also to the very educators who ultimately are responsible for ensuring those rights.

But so far, charges levied against the Survey by school officials and others have gone unchallenged and unsubstantiated. Since the resistance to the data collected by the Office for Civil Rights is not likely to go away, it is time to look carefully at these charges. Almost all of them lack merit when scrutinized.

THE PAPERWORK BURDEN

It has become universally popular to denounce government paperwork. There is even a federal commission studying it. When an official complains about paperwork, the knee-jerk response is to sympathize and to look for ways of reducing it. Superintendent Lynch's remark quoted above that, "*I have just received from the Office for Civil Rights 129 pages, in sextuplicate, of bureaucratic balderdash...*" and others like it have raised serious issues about the Survey's burden on local school officials.

We believe that charges about paperwork burden should be sharply formulated and analyzed before remedies are discussed. So far this has not happened. Arguments have been blurred in the general rhetoric of the "government red tape" issue and it is always difficult, if not impossible, to deal with or answer unspecific or confused charges. We have analyzed various written and oral arguments by school officials, and have found that at one time or another the general problem of paperwork burden has been tied specifically to: (a) duplication of effort; (b) new information required; (c) cost considerations; (d) an unwieldy data collection plan, and (e) lack of coordination with the states or even among different federal agencies. Let us examine each of these.

Duplication of Effort

The data burden is excessive.... In many states the information requested by OCR is redundant, since similar information has already been collected for 1976-77. 1/

A data requirement cannot be both burdensome and duplicative at the same time. If a report is duplicative, it can be filled out simply by transcribing the data from other reports with similar contents. That may be irritating, but it is not burdensome. If a report is burdensome, it is because it calls for data that otherwise would never be collected in any related form, so that school

1/

John Porter, President, Council of Chief State School Officers, letter to President Gerald Ford, 17 November 1976.

officials must spend extra time, personnel and money to laboriously collect it from the field.^{2/}

To look at these and other charges, we conducted a study in one state -- Massachusetts -- comparing the OCR 101 and 102 Survey forms to 11 federal reports, 10 federal program applications and activity summaries, and 9 state reports, looking for either duplication or what might be called "burdensomeness."

Our findings are striking. No data array of pupil statistics (hereafter called a "question") asked on the Survey forms was ever duplicated on any other federal report. Only 3 of the 36 questions on both OCR forms combined were identical to others on federal project applications or activity summaries, and those were identical by design. For example, since OCR reviews Emergency School Assistance Act (ESAA) applications, that application form uses data that can be taken directly from the Survey forms. Since not all districts that apply for ESAA have to file Survey forms each year, and not all districts that file Survey forms apply for ESAA grants, the data is needed in both instances. The only other exact duplication we found was between the Survey and the proposed state report for Education for All Handicapped Children Act (EHA) funds. Here the statutory provisions of EHA slightly overlap with the provisions of Section 504 of the Rehabilitation Act of 1973, which OCR

^{2/} The reason that we stress this contrast is that charges against federal data collection activities often confuse the two terms. Of course, a report can be neither burdensome nor duplicative if it requests data never garnered elsewhere but which can nevertheless be derived as a simple arithmetical by-product of other data gathering activities.

must enforce. However, the EHA report is of state totals only, and since OCR must monitor Section 504 at the district level, there is no real duplication.

In Massachusetts, only three questions from the Civil Rights Survey were duplicative at the state report level. All three were concerned with the rights of handicapped students and resulted from the especially strong Massachusetts special education law.^{3/} Because the Civil Rights Survey covers all 50 states, it will produce some occasional duplications where strong non-discrimination laws exist and where some state enforcement occurs. But such laws and state enforcement mechanisms are widely varying. What is striking is that so little duplication occurs with various state forms. In sum, our study shows that charges of duplication are clearly exaggerated.^{4/}

New Information Required

Charleston County Superintendent...estimates it will take 3,000 man-hours to fill out the forms which require information not currently kept on record by the state's school districts.^{5/}

In some areas, OCR is requiring some new information from local school districts. Although OCR has had responsibilities for

^{3/} Massachusetts General Laws, Chapter 766.

^{4/} See Appendix F for the complete study and its findings.

^{5/} Carolyn Teague, "Educators Protest HEW Paperwork," South Carolina Evening Herald, 8 January 1977.

enforcing Title IX (prohibiting discrimination on the basis of sex) and Section 504 (prohibiting discrimination against handicapped persons) for some time, the 1976-77 Survey is the first time a "baseline" survey covering these areas has ever been conducted.^{6/} If a school district fails to record data it regularly collects by race, national origin, sex and handicapping condition, then completing the Civil Rights Survey can be a new and time-consuming project.

But it need not be so. School officials were informed several times during the long planning phase of this year's Survey that such information would be required. They could have efficiently integrated OCR's data needs with their own pupil accounting systems in many cases simply by changing their questions slightly (e.g., adding a column marked "sex" next to enrollment counts). If they had planned for the Survey and made relatively small changes in their existing systems, OCR data would not have been "new" -- it would have been closely related to information already on hand.

Furthermore, in Massachusetts, CDF's study found that only 8 of the 36 questions on both Survey forms were totally unrelated to

^{6/}

While a baseline survey for enforcing Title VI (prohibiting discrimination on the basis of race or national origin) was included as part of the 1970 Civil Rights Survey, it cannot be used to select districts to monitor for Title IX and Section 504 compliance since the distribution of students by sex and handicap differs drastically from their distribution by race. The 1976-77 Survey is designed specifically to gather the preliminary data necessary to set priorities for a reduced number of districts to review in the future for compliance in these two new areas.

data collected somewhere on the 30 other forms we analyzed. Usually, the same group of children in which OCR was interested was counted on some non-OCR federal or state form, but the categorization of the children by race or sex or handicapping condition was omitted. Again, a simple change in questions asked for other purposes would have meant no new burden on local schools.

In fact, this charge of "new" information causing undue burden is also greatly exaggerated. Massachusetts was like many of the states that participated in the pretest of the 1976-77 Civil Rights Survey instruments. An evaluation of the pretest found that the overwhelming majority of them -- more than 95 percent -- indicated that the requested data was already on hand.

School systems may create additional burden for themselves by not building in to their recordkeeping procedures monitoring features. This situation should be remedied by having the Office for Civil Rights promulgate its long-deferred recordkeeping regulations which would be binding upon schools that are federal contractors, and which would guide local districts in collecting routinely the kind of information the Survey and other reports will need. That some school districts do not have data on whether minorities, girls or handicapped children are being treated fairly is the reason the Survey is so essential, for it forces them to pay attention to their legal obligations to these children.

Of course, any difficulties for school districts could be

remedied by having a standard, uniform set of expectations for data that all districts would have to collect and retain -- both for their own use and in case they need to fill out a federal Survey form. Such information would comprise the standard facts anyone would want to know about the district's children (for example, general enrollment, enrollment in vocational programs, suspensions and expulsions, enrollment in special classes, number of children who need and receive instruction in another language, and so on). OCR has tried to promulgate such guidelines to avoid the outcries each year from local officials that they do not have the information on hand. However, its proposed recordkeeping regulations have met with resistance almost equal to that against the Survey itself. We will not take up the details of this separate argument here. But if school officials set up recordkeeping systems once, and then got into the habit of collecting good data, their costs, burden and surprise each year would be drastically reduced.

Cost Considerations

We estimate it will cost us \$20,000 to \$25,000 if we hire personnel to fill out the forms.... 7/

Doesn't anyone in Washington think of the implications of these activities on our administrative availability or more importantly, the exorbitant (sic) costs of compiling, editing, and transcribing this data locally? 8/

7/

Charleston County Superintendent Dr. Alton Crews, quoted in Teague, "Educators Protest HEW Paperwork."

8/

Dr. Lincoln D. Lynch, Superintendent, Middleborough Public Schools, Middleboro, Massachusetts, letter to Dr. Gregory R. Anrig, Massachusetts State Commissioner of Education, 14 December 1976.

The Council of Chief State School Officers had the same complaints. They wrote to then President Ford that the Civil Rights Survey would require "hundreds of thousands of person hours." The National School Boards Association recently testified it would cost more than \$7 million, or 17 cents for each school child in the country, to complete the forms.^{9/} Such sweeping estimates are dramatic, but it is difficult to know what they are based on. How costly and time-consuming filling out the Survey forms is will depend on how large or small a district is, how efficiently it is administered, how closely its pupil accounting system matches the Survey questions and so on. A well-run school district with a good recordkeeping system could produce the data needed to complete the 101 and the 102 forms merely by including in its current reports sex and race breakdowns. Large school districts should have such systems in place since they have filled out 102 forms since 1968 and have seen similar questions before.

The cost of filling out forms is really a smoke-screen. Add up any educational service provided to each child by each school in a district and the costs sound high. But 17 cents per child, if true, does not seem high for an accounting system that ensures that no child is discriminated against in our public schools. And once those accounting systems are in place, their costs per year will decrease as they efficiently produce information for OCR and local officials alike.

^{9/} "NSBA Calculates the Cost of OCR Forms 101 and 102," Education Daily, 3 June 1977.

An Unwieldy Data Collection Plan

...the Feds require voluminous information, some of which is no longer available (e.g., discipline reports for the 1975-1976 school year, which our pupil record law requires to be destroyed....

Imagine nine pages of reports for each of ten elementary schools, three of which are one room and three of which are two room schools, and I think you can begin to see the utter ridiculousness of this HEW-OCR request....

The timing could not have been worse. We are in the midst of budget preparation, preparing for Christmas pagents, and faced with the Christmas vacations. 10/

These complaints, along with Dr. Lynch's earlier cry of "129 pages in sextuplicate," reflect administrators' panic when faced with the Survey forms. But the panic is not justified. First of all, 129 pages in sextuplicate would reduce any single administrator to a frenzy, but in fact, the pages are distributed among many local administrators and the copies are self-carboned. The 101 form (the district-wide summary) that one district administrator must complete is 3 pages long; the 102 form (individual school) distributed for each building principal to complete is 9 pages long.^{11/} If Dr. Lynch received 129 pages, then there are 14 schools in his district, each of which fills out its own 102 form. A superintendent would have to fill out 3 pages and collect and compile the rest.

^{10/}

Lincoln D. Lynch, letter to Gregory R. Anrig, 14 December 1976.

^{11/}

The 101 form used in 1976-77 was two and one half pages long of which one page contains only instructions and identifications (name and address of school district, etc). The 102 form for 1976-77 was 9 pages in length, including over four pages of instructions or identifications.

Second, is retrospective data^{12/} impossible or especially difficult to resurrect? The only data OCR requested from school districts for the previous year is discipline data since, unlike enrollment, it is unlikely that asking about the number of suspensions or expulsions on a given day would produce an accurate picture of a school's disciplinary record over the course of the year. The totals are more accurate. And it is the totals (broken down by the various factors such as race and sex) that OCR requested. OCR does not want the individual student's confidential files recording a host of disciplinary information (which are the records Dr. Lynch was referring to when he said a Massachusetts law ordered them destroyed at the end of each year). It wants a summary of the year's disciplinary actions. These aggregate data are not restricted by laws protecting students' confidentiality. Nor are they difficult to retain. In fact, many schools must send monthly, by semester, and/or annual summaries of disciplinary actions to their district superintendent, who forwards them to the state department of education. They merely need to be compiled or transcribed for OCR, and since OCR has requested data for the previous year's disciplinary actions for many years, school officials by now should have developed the simple tally sheets that would make answering that question easy.

12/

"Retrospective data" merely means last school year's count. For example, the number of students graduating from a high school in June of 1976 is "retrospective data" when asked on a 1976-77 form, filled out in December of 1976. Of course, OCR requests such data only on the first survey taken after the data becomes available. For example, the 1976-77 Survey asked, in December of 1976, for the counts of students suspended during the whole of the 1975-76 school year. Those counts would not have been available in December of 1975, since the 1975-76 school year was not yet over.

Third, is requiring a nine-page 102 form from a very small school ridiculous? Does it show poor planning? No. What it does show is a standard statistical selection process that enables OCR to collect information from only a sample of school districts. While all school districts receiving federal financial assistance must complete the short 101 form as part of the 1976-77 Survey, only approximately 3,600 districts in the country had to fill out the 102 forms. Middleborough was simply one of the school districts selected at random.^{13/}

Besides, the smaller the school, the easier the questions will be to answer. Indeed, many of the questions do not apply to elementary schools (for example: How many vocational education programs are offered at this school campus? How many pupils in grades 7-12 are enrolled in the highest level mathematics/natural science course offered at this school?), and thus would need to be answered only by the far fewer number of secondary schools in a district.

Fourth and finally, there is the question of timing. The forms were received early in December and due back by February 1, 1977. If officials had never seen the forms before and had not had pupil accounting systems in place to compile the information simply, this timing would have been inconvenient. But as we will discuss at greater length later (and as the Chronology in Part III of this report demonstrates), chief state school officers had notice of the

^{13/} Out of 365 school districts in Massachusetts, 64 were selected at random to receive 102 forms. Only two other Massachusetts school districts received 102 forms -- Boston because it is under Federal court order to desegregate, and Springfield because of its large minority student enrollment.

Survey more than a year in advance of early December. Districts which wanted more specific information about this year's Survey could have been informed by their State Superintendent. Nevertheless, because OCR recognized local districts' dilemma, it extended the February 1st deadline twice, finally to April 30, 1977 (for non-ESAA districts). It also agreed to review requests for extensions from districts with particular problems filling out forms. As we have said, the number of districts needing such extensions should have been small, since many were already required to keep data similar to that requested on this year's Survey forms.

Lack of Coordination: With States; Within the Federal Government

In the federal government's effort to collect data it has completely circumvented state government.^{14/}

Special education data for instance is kept only by prototype in Massachusetts, not by disability label.^{15/}

...the actual data collection activities of the Office for Civil Rights that impact on the state and local education agencies [should] be transferred to the National Center for Education Statistics.^{16/}

14/

Mark R. Shedd, Connecticut State Commissioner of Education and President, Council of Chief State School Officers, Testimony on discipline recordkeeping requirements at Oversight Hearings before the House Subcommittee on Elementary, Secondary and Vocational Education, 9 October 1975.

15/

Lincoln D. Lynch, letter to Gregory R. Anrig, 14 December 1976.

16/

Mark R. Shedd, Connecticut State Commissioner of Education and Chairperson, Committee on Coordinating Educational Information, Council of Chief State School Officers, letter to David Mathews, Secretary of HEW, 24 May 1976.

These three statements represent the sentiments of many school officials concerning federal data collection: (1) it is inappropriate since states also do it; (2) it duplicates or is at cross purposes with state and local data collection efforts; or (3) it should be streamlined so that states need deal with only one federal agency asking one set of questions.

Are any of these sentiments reason to eliminate the Civil Rights Survey? We think not.

First, suppose the responsibility for data collection for school civil rights compliance were turned over to the states as part of their overall responsibilities in education. Would school officials' paperwork be reduced? No. Suppose that exactly the same policy state school officials propose was used to try to reduce the millions of hours used to fill out the individual income tax form, the 1040. The IRS could turn over the collection of income taxes to the states, and accept the 50 state returns on taxes collected each year. Would the paperwork be reduced? No. Individual taxpayers would still have to fill out the same number of pages for the same number of hours annually, but they would not be filling out a federal form; they would be filling out a state form. In reality, all that would have changed is that the federal government could not assure equity and accountability in federal taxation policies and practices since it would have lost its independent base to check the numbers and accounts states reported.

This is exactly what would happen with educational data collection. The same local school officials would fill out the same (or nearly the same) data on state forms. And officials at the state level would probably have somewhat more accounting to do since they would be responsible for checking local accuracy. But the federal assurance of equity and accountability would essentially be lost. In fact, this has happened with the majority of educational categorical aid programs, such as ESEA, Vocational Education and, soon, the Education for All Handicapped Children Act. It is unlikely that if states took their job of monitoring civil rights compliance seriously, overall data needs would be reduced. And until there is evidence that they will do a vigorous job of enforcement, Congress cannot turn over its need for data on these issues.

Second, could there be better coordination between federal and state data requests? Improvements in this area certainly could and should be made. When several unrelated and uncoordinated data requests come in from federal and state agencies, local officials are very likely to be snowed under by all of it. In Massachusetts, for example, one state report was 112 pages long. Others were more than a dozen pages each. Put all of them together with several federal forms and the result might be burdensome. That is precisely why we have recommended that model pupil accounting systems that would integrate to the extent possible civil rights and other federal data needs with state and local educational management and planning data be initiated and promoted. Duplication would be

eliminated. Few state and localities currently have efficient systems. Good plans and technical assistance could help them gather useful information for their own as well as civil rights compliance purposes.

But coordination has its limits. OCR must collect uniform data throughout the nation, regardless of individual state reporting requirements. There is simply no way that OCR can take into account that Massachusetts, for example, has a state special education law requiring schools to record data on handicapped children by the percent of time students receiving special education services spend outside of regular classrooms. That reporting pattern is unique to Massachusetts, and no other state uses it. While OCR should make every effort to coordinate with other federal agencies and applications, the fact that it seeks national data will make some questions more difficult for some states to answer.^{17/} But again, the number of states which would face this problem for the majority of information OCR seeks would be small.

Third and finally, if there is a National Center for Education

^{17/} Such coordination among federal requests already has taken place. The Civil Rights Survey's special education breakdowns already coincide with those used by the Bureau of Education for the Handicapped (BEH) on its application forms for federal aid under P.L. 93-380 and 94-142, and its racial breakdowns correspond to the standard racial/ethnic classifications specified by OMB in Circular A-40. While the ESAA application (OE Form 116-1) should be designed to match the 101 and 102 Survey forms more closely, they are already quite close.

Statistics, why shouldn't it collect all data other federal agencies require? Wouldn't that simplify things? Many school officials and NCES itself favor such a consolidation. But there are two large reasons why theoretical efficiency through consolidation would have disastrous effects in practice. One is that NCES does not have the authority to collect data necessary for civil rights enforcement. An NCES-governed survey would be entirely voluntary and without legal weight. NCES' survey (a) would not have to be filled out, and (b) would not be covered by the federal law prohibiting willfully false statements. This is because NCES is committed to the voluntary cooperation of state and local bureaucrats and will not willingly allow instruments bearing its name to be designed for compliance use against individual states and school districts. This political tradeoff allows NCES to collect what data it does. And perhaps in some areas it is a workable arrangement. But civil rights enforcement, as history has amply documented, cannot be a voluntary enterprise undertaken by an agency with no legal responsibility, no experience and no inclination to gain the hard facts that make compliance possible.

The other related reason why an NCES-takeover of civil rights data collection would not produce greater efficiency in the long run is that it would not collect the type of information needed for a sound enforcement program. Useful information would still need to be collected by OCR. NCES vividly demonstrated this problem when it drafted a proposed consolidated form. Its simple aggregate or "yes/no" questions would not have told OCR enough for

it to select a smaller number of districts for more intensive review, or to pinpoint the worst places for follow-up. Rather than reduce the paperwork for many local and state officials, inadequate data collected once by NCES would mean another round of questions would still be necessary by OCR.

It may make sense to consolidate several data instruments performing similar functions, but some forms should be kept separate because their integrity requires independence. When President Carter recently asked for an independent assessment conducted by a federal agency of energy supply and demand, preferring not to rely any longer on oil companies' data, he was asserting this fundamental auditing principle. Reliable, useful national data is no less important when enforcing school children's civil rights.

IS THE SURVEY JUSTIFIABLE?

After the paperwork issue, the second most common charge by school officials is that the data OCR collects are not necessary. Why bother with so extensive an effort? They ask: (a) What is the Survey's purpose? (b) How will the data be used? (c) Doesn't OCR assume guilt on the part of school districts? (d) Doesn't the Survey go far beyond the legitimate scope of the law?

The Survey's Purpose

For years we have signed one-page statements of assurances of compliance with OCR requirements. We have had no complaints and it would seem that should still suffice.^{18/}

^{18/}

Lincoln D. Lynch, letter to Gregory R. Anrig, 14 December 1976.

The statement of assurance referred to above is OCR's form 441, which is a statement every federal contractor must sign assuring that they understand they are prohibited from discriminating and that they will not do so. But such an assurance must be made in good faith. It should be signed with the knowledge that the assurance will in fact be carried out, and that knowledge requires data not dissimilar to that required by the Survey forms.

The point is that OCR legally has an affirmative obligation to make sure discrimination is not occurring. It cannot simply wait until an official refuses to sign a statement of assurance or until an individual brings a complaint against one who has. OCR, according to law and court order, must identify and investigate school systems that might be denying children's civil rights and breaking the law. Likelihood can be determined most expeditiously and most fairly from the data OCR collects. The Survey (which, incidentally, schools also have been filling out "for years"), is the first step to OCR doing its job of enforcing Title VI, Title IX, Section 504 and the Lau order.

How the Survey Will Be Used

OCR does not explain precisely how it intends to use the information contained in the forms. Nor does it indicate the statistical criteria by which it would deem a school district to warrant further investigation or to be considered out of compliance. ^{19/}

Neither does the IRS publish precisely what statistical criteria it will apply to select an individual tax return for an audit

^{19/} "They'd Have You 'Testify' Against Yourself," The American School Board Journal, February 1977.

or precisely what course of action it will take if it finds misconduct. Yet few argue that these ambiguities are reason not to collect income tax information. Similarly, civil rights compliance does not permit publication of the statistical tests used to select districts for an audit. We hope that a variety of enforcement tools will be possible for the government to use, depending on the particular circumstances in each case. Neither of these uncertainties, however, are reason to suspend the Survey. The laws monitored by OCR are not ambiguous about the kinds of discrimination they prohibit. Just as taxpayers must know the law and stay within it, so do school officials have the responsibility for staying within the limits of the laws OCR monitors.

Does the Survey Imply Guilt?

The Civil War isn't over yet....20/

The forms look like a fishing expedition that can place a well-intentioned school district in jeopardy. 21/

The nasty little twist is that school boards are being asked to turn over information that may later be used against them. 22/

Some have argued defensively that only districts that discriminate should have the burden of reporting the effects of their policies and practices to OCR. The "Civil War" comment above and words like "jeopardy" and "testify" indicate that school officials

20/Teague, "Educators Protest HEW Paperwork."

21/August W. Steinhilber, Assistant Executive Director for Federal Relations, National School Boards Association, cited in "They'd Have You 'Testify' Against Yourself."

22/"They'd Have You 'Testify' Against Yourself."

fear that Survey data *a priori* will be an admission of real or seeming guilt. But this is simply untrue. Completing the forms is not an admission of guilt. Even having disparate rates of suspensions or special class placement for blacks and whites, or boys and girls, would not in and of itself prove discrimination. Rather, widely disproportionate rates would be one indicator an agency like OCR could use to set priorities for more in-depth follow-up. Without the data to make finer selections possible, OCR would have to investigate many or all school districts, or choose some on far more subjective criteria for field investigations. If a school's or a district's policies and practices are discriminatory, the data the Survey collects will be a piece of the picture -- but only a piece. Other hard evidence will be needed to "prove" discrimination exists. A well-intentioned district cannot be put in jeopardy by Survey data, for it will have reasonable explanations if disparities are found. It is true that if districts are discriminating, OCR data can be used as evidence. But in the same way that a taxpayer who does something illegal must nevertheless report it on his or her income tax return, a discriminating school district should not expect to be able to withhold from the public information about how it treats children.

Is the Survey Excessive?

...the burden of data collection imposed on our schools by these forms is excessive and goes far beyond what is reasonably necessary within the law.^{23/}

^{23/}

Cyril Busbee, South Carolina State Education Superintendent, Statement before South Carolina's Congressional Delegation, quoted in Teague, "Educators Protest HEW Paperwork."

The Office for Civil Rights has no use for information that goes beyond what is reasonably necessary to enforce the law. The effort has always been to streamline data collection instruments -- the Survey is conducted every two years instead of annually and pretests are analyzed carefully to see which questions can be deleted. But while streamlining is occurring, OCR's mandate has also expanded greatly. New responsibilities -- to monitor and enforce nondiscrimination on the basis of sex, handicap and language groups -- have been added by Congress and the courts. Additional information has, therefore, become necessary. But once the baseline data on these issues has been collected, even reporting on these new issues will be reduced.

Quite contrary to the charge of "fishing" for information and collecting too much of it, OCR has learned to request on the Survey only that information which it needs to have a meaningful compliance program. Any less would emasculate civil rights enforcement and OCR's ability to carry out its legal obligations.

THE CLEARANCE PROCEDURES

Finally, many school officials argue that OCR did not go through appropriate channels and processes to develop, plan and implement its Civil Rights Survey. Two major check-points, they say, were not sufficiently or aptly used: (a) professional educators; and (b) government clearance agencies, particularly OMB.

Involving Educators

...we find that their latest revision of the 101 and 102 forms have not sufficiently addressed the concerns of LEA's and SEA's^{24/}

School officials contend that they were not sufficiently involved in formulating OCR's Survey plan, that they did not receive proper notice of the 1976-77 Survey, and that OCR has not taken their views into account. But the chronology of events beginning in Fall 1975 shows otherwise.^{25/} As far back as September 1975, representatives of the Council of Chief State School Officers worked closely with OCR officials to plan the forms to be used in the 1976-77 Survey, to discuss its methodology and to comment on a draft formulation of the questions local school districts might be asked. The chronology also shows that CSSOs had continuous notice of plans for the 1976-77 Survey, and in fact helped shape those plans for more than a year before the Survey was officially announced and the final forms mailed to local school districts. Nothing prevented the school chiefs from notifying SEAs and LEAs of what reporting requirements would be present -- well in advance of Fall 1976.

In December 1975, OCR sent a memorandum to all chief state

^{24/}Ed. R. Allen, Jr., Administrator, Education Information Services, Florida Department of Education, letter to Dr. Charles M. Sisson, Commission on Federal Paperwork, 7 September 1976.

^{25/}See the chronology in the following section of this report for evidence of cooperation between OCR and the Council of Chief State School Officers.

school officers advising that, while no actual Survey forms would have to be filed with OCR, school districts "remain[ed] under the obligation" to compile and retain information for the 1975-76 school year. The memo also advised that some new racial and ethnic categories would be used during the coming year and enclosed details so school districts would have notice eleven months before they received the actual forms.

The CEIS Data Acquisition Subcommittee and the OCR Task Force of the Council of Chief State School Officers helped design the 1976-77 pretest instruments. In May 1976, OCR sent copies of the 1976-77 pretest forms to all chief state school officers -- even those in states not participating in the pretest. Since the subsequent changes in the forms were minor, educators knew almost exactly what data would be required on the actual Survey forms six months before they were mailed out.

Official notice of the 1976-77 Survey was sent to all chief state school officers in November 1976. Samples of the final Survey forms were enclosed in this mailing, giving school chiefs a final opportunity to advise local school districts of the Survey's revised scope and specific data requirements, and of the February 1, 1977 deadline for submission of the forms. The time lapse between this notice and the original due date was just slightly less than two-and-a-half months generally provided in past Surveys; the subsequently revised due date of April 30, 1977 for non-ESAA school districts meant that they had almost six months' lead time for completing the 1976-77 Survey.

Rather than helping LEAs and staff at SEAs to prepare for the Survey, many state school officers did nothing and some even counseled noncompliance. Even though OCR had incorporated the majority of their suggested revisions in an unprecedented relationship with them, some chief state school officers' opposition to the Survey was unabated. Their need to be consulted and given large lead time in preparing for the Survey appears from the facts to be a subterfuge for the real issue: a deep-seated resistance to making their records public.

Agency Clearance

...the clearance package did not go to the Office of Management and Budget until mid-September, which is obviously much too late....The primary problem with late distribution of forms was not with the clearance procedures, but with the OCR planning and timing....^{26/}

Mr. Sisson is right that the primary problem with late distribution of the Fall 1976 Survey forms was not with clearance procedures. Rather, it was with some chief state school officers who, since there was no legal obligation on their part to inform local districts of the Survey's requirements until formal clearance was secured, did not take the responsibility to do so -- even though they had received prior notification. This gives the appearance that some school officials may have used clearance agencies as a vehicle to make false burden arguments, with the hope that the agencies would delay or suppress the Survey entirely.

^{26/}Charles M. Sisson, Jr., Chairperson, Committee on Evaluation and Information Systems, Council of Chief State School Officers, letter to Albert T. Hamlin, Acting Director, Office for Civil Rights, 31 January 1977.

SUMMARY

Looking closely at school official assertions show that while there is a great deal of emotion and energy spent on them, there often is little basis in fact. Opposition to the Civil Rights Survey should be seen for what it really is: neither bureaucratic red tape cutting nor respect for careful procedures, but rather the insulation of schools from public scrutiny of their policies and practices with regard to minority, female, handicapped and limited English-speaking ability children. Educators have long cherished their autonomy, and it is not surprising they would fight to retain it on this issue.

But let us be equally clear. The laws that were passed that necessitated the Survey and the rest of OCR's compliance program came after years of evidence -- both within and outside of courts -- that discrimination against certain kinds of school children was a fact, not a speculation. Further, the laws recognized that the fact was not an isolated, small chance event. Discriminatory policies and practices in schools were documented all over the country. Looking for their most egregious effects by asking school districts for information is not a wasteful, unnecessary, burdensome fishing expedition. It is the first step in a Congressionally mandated attempt to end the harmful differences in the ways schools treat certain groups of children.

PART III

THE ELEMENTARY AND SECONDARY SCHOOL CIVIL RIGHTS SURVEY:

A SELECTED CHRONOLOGY

Fall 1966: Pursuant to its responsibilities under Title VI of the 1964 Civil Rights Act, the Office for Civil Rights (then known as the Equal Educational Opportunity Program in the Office of Education) began collecting data on the racial composition of student enrollment and faculty assignment in the South for the first time.^{1/}

1967-68: The first broad Elementary and Secondary School Civil Rights Survey was conducted by OCR (using forms OE-2247 and OE-2248). The forms went to a selection of approximately 5,000 Southern school districts, including: (1) those districts operating under voluntary school desegregation agreements with HEW; (2) those districts needing to enter into such agreements; and (3) all districts under Federal court order to desegregate.^{2/}

1968-69, 1970-71 and 1972-73: During these even-numbered years the OCR-designed 101 and 102 forms went to all school districts with 3,000 or more pupils enrolled and a stratified random

^{1/} Chart 1 in Appendix C summarizes, for every school year since 1967-68, the title of the Survey, its due date, the number of districts surveyed and the criteria used to select them, the sample of the total U.S. minority student enrollment covered, and whether or not the results of the Survey were published. Chart 2 in Appendix C sets forth the racial and ethnic categories by which data breakdowns were requested year to year.

^{2/} The charts in Appendices D and E set forth in detail the question by question growth and refinement of the Survey forms from 1967-68 to the present.

sample of smaller districts. Districts of special compliance interest -- i.e., those operating under voluntary desegregation agreements with HEW, under Federal court order, or under OCR field investigation -- were always included in the Survey sample, regardless of their size. 1972-73 was the last school year in which a broadly representative survey of the nation's schools was conducted.

1969-70, 1971-72, 1973-74: During these odd-numbered years OCR included only previously-surveyed districts having at least one or more schools enrolling 50 percent or more minority pupils or districts with a total enrollment 10 percent or more minority, plus "compliance districts" -- districts under agreement with HEW or Federal court order to desegregate. The 1973-74 Survey was the first which requested data on discipline practices by race and type of handicap.

1974-75: Under considerable pressure to conduct a smaller survey overall, the 1974-75 Survey broke the pattern of previous even-numbered years and covered under 2,800 school districts, including about 1,400 which were selected because their 1972-73 returns indicated they might be of special compliance interest. Even though the number of districts surveyed was small, OCR still hoped to derive national estimates of compliance by including a few hundred school districts at random. This was the last annual Civil Rights Survey conducted.

January 1975: OCR seriously began considering changing the Survey from an annual cycle, ostensibly because for the first time OCR was having budget problems with Congress. The backdrop of events leading to the current controversy over the Survey begins here.

February 1975: OCR's Elementary and Secondary Education Division (ESED) proceeded to plan for the 1975-76 Survey, stating: "...OCR's responsibilities have grown to include Title IX, Section 504, and Lau. This does not mean that it is absolutely necessary to alter the size of the survey, but these responsibilities may influence the form of the survey."^{3/} Final approval to conduct the Survey had not yet been received from HEW's Office of Management Planning and Technology.^{4/}

May 1975: OCR decided to cancel the annual Survey for 1975-76 in favor of a large educational survey every two years and special detailed surveys in off-years. Peter Holmes, Director of OCR, in response to concerns raised by civil rights groups concerning this decision, stated that "the question as to whether to conduct a detailed survey this Fall was given careful consideration. We concluded that a biennial survey would adequately serve our needs....We feel that not having a detailed survey

^{3/}OCR Questionnaire with regard to 1975-76 Civil Rights Survey, 14 February 1975.

^{4/}For the rudimentary steps in the development process for an OCR School Civil Rights Survey, see the text explaining these steps and the accompanying chart in Appendix H.

this year will have little effect on determining our compliance activities...[and] that this time will be better utilized improving the questions" for the Fall 1976 Survey.

Director Holmes also stated that "we are trying to devise special survey questionnaires for selected school districts in order to obtain more specific information about possible discrimination.... In addition, we will be sending a letter to Chief State School Officials and Local Education Agencies outlining their continuing duty to compile and retain the information previously submitted on Forms 101 and 102 for years in which the submission of the Forms is not required." [Emphasis added.] ^{5/}

September 23-24, 1975: Two committees of the Council of Chief State School Officers (CCSSO) -- the Committee on Evaluation and Information Systems (CEIS) and the OCR Task Force -- and other CCSSO representatives met with OCR officials in Denver, Colorado to help plan the 1976-77 Survey forms.

October 30, 1975: Ed R. Allen, Jr., Administrator, Education Information Services, Florida Department of Education and Chairman of CCSSO's OCR Task Force, sent a copy of the Task Force's general and specific comments regarding revisions of the Fall 1976 101 and 102 Survey forms to OCR. Among its

^{5/} Peter E. Holmes, letter to Winifred Green, Director, Southeastern Public Education Program of the American Friends Service Committee, 21 July 1975.

general recommendations: "Since OCR is having budget problems and has not seemed to suffer from deleting the national survey during 1975-76, the task force feels that OCR should seriously consider a national survey every two years instead of annually....[and] an investigation should be made into a possible combination of data collection efforts of OCR and EEOC".^{6/} In addition, the Task Force recommended a number of specific changes on both the 101 and 102 forms.

December 1975: In a memorandum sent to all chief state school officers, OCR advised that duplicates of the Fall 1974 Survey forms would go to about 8,000 selected school districts and that these districts would be requested to fill out the forms with Fall 1975 data and retain them locally, even though they would not actually have to be submitted to OCR. OCR's memo informed state school officers: "While there will be no school enrollment survey during this school year, school systems remain under the obligation to keep...records and submit...timely, complete and accurate compliance reports" when requested by HEW. [Emphasis added.] "...this Office is requiring for Fall 1975 that the attached list of school districts in your State compile and retain, at a minimum, the same information previously submitted on HEW Form OS/CR 101-102." While no district would have to submit the information unless specifically re-

^{6/} In fact, this had already happened at least once. In 1973, EEOC took over responsibility from OCR for collecting data on faculty and staff assignments. See Appendix D, Chart 2 and Appendix E, Chart 2.

requested to do so, "Each district on the attached list is required to compile and retain the requested information on this form." The 1974-75 Survey forms -- both the 101 and 102 -- were sent as attachments to the memorandum.

The December OCR memorandum also advised that new racial/ethnic categories would be used "during at least the coming year" and an announcement providing "details on the categories and guidance on adapting them to OCR requirements" was enclosed. It further stated that "If a State Education Agency presently collects the data contained on this [the 1974 101 and 102] form from the school districts on the attached list, or intends to do so during the 1975-76 school year and thereafter, the Office for Civil Rights will be happy to discuss the collection of the requested information on forms other than the OS/CR 101 and 102." Finally, the memo requested that SEAs notify OCR regarding how they would prefer the Survey forms disseminated.

January 20-21, 1976: Representatives from the Office of Management and Budget (OMB), National Center for Education Statistics (NCES), Equal Employment Opportunity Commission (EEOC), and CEIS attended a two-day OCR presentation in Washington, D.C. concerning the Fall 1976 Survey, including its methodology, topical areas of focus, and draft formulation of the questions to be asked.

Winter 1976: OCR received permission from HEW's Deputy Assistant

Secretary for Management Planning and Technology to begin planning a pretest of the proposed 101 and 102 forms to be used in the Fall 1976 Survey.

March 22, 1976: Bryan Mitchell, HEW's Acting Deputy Assistant Secretary for Management Planning and Technology, rejected OCR's application for permission to use outside consultant services for the Fall 1976 Survey on the grounds that NCES could collect and provide the same information.

March 31, 1976: OCR requested clearance from the HEW/OCR liaison officer for the pretest instrument.

April 13, 1976: Marie D. Eldridge, Administrator, NCES, in a memorandum to Thomas McFee, Deputy Assistant Secretary for Management Planning and Technology, HEW, proposed to combine the Civil Rights Survey with NCES data collection activities.

April 27-29, 1976: CEIS passed a strongly worded resolution directed to the Secretary of HEW opposing the 1976-77 Survey on the basis that the regulations upon which OCR based its authority for data collection "are so broad in scope as to provide...for OCR to collect any and all data deemed necessary to carry out its responsibilities, and such practice results in unjustified data burdens for state and local education agencies."

May 6, 1976: Marie D. Eldridge, at NCES, sent another memorandum to Thomas McFee at HEW. She reiterated her proposed plan to

combine the Civil Rights Survey with NCES data collection activities, mentioned the April CEIS resolution, and enclosed a draft of NCES' proposed combined survey form. The document was intended to be used by NCES as its sole national source of data, and OCR was to be limited to collecting further data only from school districts "selected" from the results of the NCES survey. Eldridge proposed that OCR be told to prepare "selection" rules to apply to the data in the NCES format, even though the proposed NCES data questions provided no basis for OCR selection.

The following are only the most important of the many restrictions the NCES draft replacement imposed on the Civil Rights Survey. Compared to the OS/CR 101 form, the NCES form eliminated:

- (1) *legal statements mandating responses and prohibiting willfully false reports;^{7/}*
- (2) *all counts by race, except those for pupil enrollment (the forms thus allowed no possible statistical index of racial disparity of any kind -- except for disparities in pupil assignment between schools);*

^{7/}

If the legal language normally employed by OCR were to appear on a combined OCR/NCES form, it would (a) render NCES' position untenable, since NCES does not have statutory authority for many of the questions it asks, and (b) threaten the relationships NCES has sought to develop with states and localities. Hence, any "combined" form developed by NCES and OCR would have to be in two parts -- one of which would be compulsory and would explicitly prohibit willful inaccuracy.

- (3) all questions regarding the vocational assignment of pupils by sex and race;
- (4) all counts, even enrollment, by sex;
- (5) all counts of special education assignments by either sex or race;
- (6) the count of children with handicaps who were out of school and who were not provided with an educational program;
- (7) all questions regarding school disciplinary policies and practices;
- (8) all counts of bilingual needs and program assignments by national origin; and
- (9) the signature block which requested the name of the person completing the return.

It is important to note that the eliminated items were not data elements duplicated elsewhere. NCES did not eliminate any items which it could provide from its current major data collection instruments (ELSEGIS). Instead, the NCES form simply eliminated the possibility of any of the OCR statistical indexes that had previously been used to select districts for compliance reviews.

NCES did not prepare standards of discrimination, plans of analysis, or statistical criteria for the selection of districts to be reviewed. It specifically left these functions to OCR, even though NCES' draft had already eliminated all possible statistical criteria by eliminating the data upon which

they could be based. In addition, proper statistical practice requires that indexes be defined before a survey instrument is designed. The effect of this omission by NCES is that responsibility for the absence of any compliance plan would be passed on to OCR, even though NCES had already assured that OCR would not have the data upon which it could develop such a plan.^{8/}

Finally, the NCES proposal still contemplated that OCR would collect additional data from selected school districts in a second-stage survey. NCES did not offer any details on how the follow-up districts would be selected, or on what data would be collected from them. It did offer to mail out the OCR-designed second-stage instrument, but not to perform the data processing. Since the NCES draft replacement for the OCR 101 form did not allow for any selection of districts, OCR would have to distribute its "second-stage" survey to all districts again. Consequently, the combined NCES/OCR approach would produce exactly the burdensome duplication that all groups so adamantly oppose.

^{8/} NCES has taken the position that data collection designs which could be used to show the failure or malfeasance of identifiable states and districts are outside of its domain. Indeed, it has steadfastly avoided exactly such designs in the surveys it already conducts, such as the National Assessment, the Bilingual Survey, and in its long delayed and recently cancelled Consolidated Program Information Return (CPIR) survey. In every case it has either designed the systems to avoid identifying states and districts, or designed the instruments themselves to prohibit any comparison with statutory or regulatory program standards. NCES is totally lacking in either the experience or the inclination to do program monitoring, compliance reviews, or audit system design. Thus its draft replacement for the Civil Rights Survey demonstrates these predilections perfectly.

While the NCES proposed survey form may have been designed in conjunction with CEIS prior to May 6, 1976, it was not discussed with either OCR or any civil rights or handicapped rights organization.

May 7, 1976: Thomas McFee, in HEW's Office of Management Planning and Technology, sent a letter to Martin Gerry, Director of OCR. He enclosed a copy of NCES' proposed survey form, stating: "I'm inclined to think that this is the way to go."

May 7, 1976: OMB cleared the OCR pretest instrument.^{9/} OCR sent a memorandum for superintendents of selected elementary and secondary school districts regarding the "Pretest of the Fall 1976 Elementary and Secondary School Civil Rights Survey Instrument" to CSSOs in the twenty-five states where school districts had agreed in advance to participate in the pretest. The memorandum requested local district completion of the pretest forms by June 14, 1976.

May 17, 1976: OCR sent a memorandum to CSSOs in the twenty-five states not participating in the pretest of the Fall 1976 Survey instrument notifying them of the pretest and the questions being asked. OCR also enclosed a copy of the memorandum it sent to the states participating in the pretest and a copy of the Survey forms. The memo concluded with: "If you have any

^{9/}The delay was caused in part in response to President Ford's directive that reporting burden on respondents of federal forms generally be reduced. See, President Gerald Ford, letter to "Heads of all Federal Departments and Independent Agencies," 1 March 1976.

questions...please feel free to contact Dr. Henderson...."

May 24, 1976: Mark R. Shedd, Connecticut Commissioner of Education and Chairperson, Committee on Coordinating Educational Information, CCSSO, sent a letter to David Mathews, Secretary of HEW, stating: "...in line with the longstanding position of the Chiefs', [sic] I recommend that the actual data collection activities of the Office for Civil Rights that impact on the state and local education agencies be transferred to the National Center for Education Statistics."

June 23, 1976: Martin Gerry, Director of OCR, in response to a letter from the Children's Defense Fund inquiring about OCR's plans for the 1976-77 Survey, reported that although the pre-test draft of the Fall 1976 Survey forms had been delayed, the analysis was expected to be completed "later this month... [however] we do expect some delays in the clearance process [for the regular Survey forms]. Therefore, it is difficult at this point to be certain about our precise plans for conducting the 1976 Survey. But we do anticipate carrying out a survey this year to cover a broader sample of school districts than in previous years."

July 1976: The pretest draft report was submitted to OCR by the contractors.^{10/} The report made many sensible but minor proposals for changing the wording of questions, nearly all of

^{10/} Opportunity Systems, Inc. and DBS Corp., Report on the Pretest of the Office for Civil Rights -- Fall 1976 Survey Instruments (Washington, D.C.: 1976). OCR forwarded a copy of the pretest report to OMB for general informational purposes.

which were quickly incorporated by OCR. The evaluation of both the data responses to the pretest, the comments, and the site visits also indicated that *the majority of districts had little difficulty with the forms and the difficulty that was encountered could be largely ameliorated by improved question construction and wording and the inclusion of better definitions and examples. Further, of the 158 schools actually filling out the 102s, only three lacked retrospective data for the previous year on suspensions, only 16 lacked data for alternatives to suspension and only 25 lacked data for the new "tracking" question.*

July 23, 1976: Pretest draft report conclusions were revised by contractors, and their final recommendations were submitted to OCR. The revisions included a set of recommendations for *future surveys, including the proposal that nine-months' lead time notice be given.*

July 23, 1976: Martin Gerry, in a letter to Virginia Trotter, HEW's Assistant Secretary for Education, submitted a justification of OCR's own pretested Survey forms, and included a detailed critique of the NCES instrument. He proposed that OCR work closely with NCES toward the consolidation of the Civil Rights Survey with NCES' data collection activities for the 1977-78 school year.

August 11, 1976: Meeting held between OMB and OCR to discuss the pretest results. Martin Gerry reported to Marjorie Lynch, Under Secretary, HEW, that "In response to a specific question

[regarding clearance of the Fall 1976 Survey forms], the OMB representative indicated that there would be no requirements for public hearings and that OMB clearance forms could be expected within a week after receipt of HEW's formal requests. *With the exception of a few minor changes (mainly cosmetic), there were no problems or concerns raised.*" [Emphasis added.]^{11/}

August 17, 1976: Byran Mitchell, Acting Deputy Assistant Secretary for Management Planning and Technology, HEW, sent a letter to Roy McKinney, Acting Assistant Director for Administration and Management, OCR, reversing his March 22, 1976 decision refusing OCR's request for permission to begin planning the Fall 1976 Survey on the grounds that NCES could do it. His letter granted approval for OCR to use contractor services to design and perform the 1976 Survey, but said that the approval was contingent upon OMB clearance of the Survey forms. His letter stated: "This approval is further conditioned upon your working with the National Center for Educational [sic] Statistics (NCES) during FY 1977 to develop a combined school system survey instrument for use in FY 1978. Consolidation of your current survey of selected school systems with NCES' annual school survey, Elementary and Secondary General Information System (ELSEGIS), appears warranted because of the significant duplication which exists in the type of data collected by these two surveys. As a consequence of joint OCR and NCES efforts to

^{11/} Martin Gerry, memorandum to Marjorie Lynch, 18 October 1976.

combine their data collection needs into a single annual survey, the reporting burden HEW imposes on school systems should be reduced. These activities to develop a single survey instrument will be monitored under the Department's FY 1977 Joint Bilingual OPS objective."^{12/}

August 27, 1976: "Request for Clearance of the Revised Report for Elementary and Secondary Schools" was submitted by OCR to Ralph Sechrist, Acting Assistant Director for Planning and Program Coordination, HEW, in order to obtain his permission to submit it to OMB.

September 7, 1976: Ed. R. Allen, Jr., Chairman of CCSSO's OCR Task Force, sent a letter to Charles M. Sisson, Commission on Federal Paperwork (and also the CEIS Chairperson), stating: "The CEIS Data Acquisition Subcommittee and the OCR Task Force have been working closely with the Office for Civil Rights in developing their latest survey instruments for public schools. There has generally been a good working relationship with OCR

^{12/} Note that much of this is not true. In addition, the last statement is not manageable. HEW establishes a number of operational planning system (OPS) objectives each year, and each grant made by HEW is accompanied by a coordinating committee to accomplish them. There is an existing Joint Bilingual Objective Committee which was nominated by NCES, OCR and OE and established to deal with certain bilingual planning objectives. Yet the idea to use that Committee to supervise the additional responsibilities of planning the combined survey clearly went beyond the scope of the Committee's responsibilities.

in that they did listen to our concerns.... However, we find that their latest revision of the 101 and 102 forms *have not sufficiently addressed* the concerns of LEA's and SEA's that were expressed during the Spring pre-test." [Emphasis added.]

Chairman Allen further stated that "the logistics of their most recent data requirements would be impossible to meet at this late date since inadequate lead time has been provided to SEA's and LEA's" and that "because of [these] concerns, the subcommittee can not at this time recommend the latest revision of forms OS/CR 101 and 102." (The "latest revision" refers to the most recent 1976 Survey forms submitted to OMB, which had been revised in accordance with the pretest report's and CEIS' recommendations.)

September 13, 1976: Ralph Sechrist (the HEW-OMB liaison clearance officer) submitted to OMB the "clearance package" OCR had submitted to him on August 27th. He made no modifications in the submission. According to a subsequent memo from Martin Gerry to Marjorie Lynch, OMB first informed him in "late September" that the Civil Rights Survey forms would have difficulties getting clearance.

October 5, 1976: Roy Lowry, OMB Clearance Officer, sent a letter to Paul Kretchmar, Chief, Management Information Systems Branch, OCR, refusing to approve clearance of the 1976 Survey forms and cancelling the Survey for at least a year. The letter gave two reasons for these actions and offered two others as appended

comments. First, it claimed that: "OCR's own pretest report concludes that OCR should give the States at least nine months advance notice of new reporting requirements" and second, that OCR "confounded" the lead time issue by its "persistence in requesting retrospective data.... If this type of data can be produced at all, it can only be obtained through excessive burden on respondents who were not advised of the requirement in time to maintain the required records." Third, that "to select the sample of schools and survey them prior to the gathering of screening information as proposed in this request is not reasonable" and fourth, that "OCR has more districts targeted for review than it can get to in one year" as a result of the 1974 Survey. In conclusion, OMB suggested its intention to "thoroughly assess the appropriateness of requiring that all of the proposed information be submitted to the Federal office (in contrast to having some portion of the data maintained at the local level)...."

October 19, 1976: Marjorie Lynch, HEW Under Secretary, in a letter to Paul O'Neill, OMB Deputy Director, urged re-examination of OMB's October 5th decision and approval of the Survey. Her letter stated: "...OCR has worked closely with OMB staff for over a year on this project and felt there was a clear understanding on the need for implementation...this year...failure to conduct the survey at this time will make it virtually impossible for the Department to comply with court ordered activities and with congressional mandates related to new authorities.... OCR

insisted to the court (in Adams) that the survey should not be conducted every year but rather in alternate fiscal years, to meet OMB's expressed objection to the annual survey conducted by OCR up through 1974." Finally, Under Secretary Lynch reiterated that civil rights and women's groups "have long maintained -- and justly so -- that *the Department cannot be expected to operate an effective and credible civil rights enforcement program without meaningful compliance data collection on a regular basis.*" [Emphasis added.]

October 19, 1976: Civil rights groups, including representatives from the Center for National Policy Review, the American Friends Service Committee, the Lawyers Committee for Civil Rights Under Law, the NAACP Legal Defense Fund and the Children's Defense Fund, met with OMB representatives Roy Lowry, Clearance Officer, and Fernando Oaxaca, Associate Director, to protest OMB's decision to scuttle the 1976-77 Survey. The civil rights groups pointed out the fallacies in Mr. Lowry's October 5th letter's contentions and demanded a reversal of the OMB decision. They refuted each of the stated grounds for disapproval:

(1) The pretest report did not conclude that "OCR should give the states at least nine months advance notice of new reporting requirements" as OMB stated. The nine-month figure was cited once by a single commentator and was never incorporated anywhere in the contractor's "Conclusions" found on pages 34-36 in the report. Rather, the cited portion was taken from a revised section of "General Recommendations" for OCR's review

which added it as a fifth recommendation. The recommendation addressed topics of public information related to future surveys, and did not constitute an objection to the conduct of the 1976 Survey, which the OCR contractor concluded was feasible. This conclusion was supported by the pretest data. Further, *notice to the states of all new reporting requirements was constructively given by having OCR and the CEIS Data Acquisition Subcommittee work together for more than a year. CSSOs had continuous notice throughout the pretest period, and helped draft the instrument.*

(2) OMB also stated that OCR "confounded" the lead time issue by including retrospective data. But retrospective data for the discipline issues was present on the 1973 and 1974 Survey forms. Further, the changes in the data did not go to the data schools were asked to keep, but merely to the way it was to be reported on the form. When OCR cancelled the reporting of Fall 1975 data, it informed local districts to keep the data locally. That means that 1975-76 data are required to be available locally.

(3) In stating that "to select the sample of schools and survey them prior to the gathering of screening information as proposed in this request is not reasonable" the OMB clearance officer failed to understand the distinction between Title VI enforcement and the new Title IX and 504 enforcement strategies. OCR long ago selected Title VI target school districts, and runs about a 90 percent or better coverage on that group. Thus, of 3,600 districts getting 102 forms, approximately 3,000

are Title VI survey districts (the rest were selected at random). The 101 forms sent to 16,000 districts are the screening census (not "sample"), sent in preparation for a selection of districts to receive 102 forms in the future. Thus, OCR had not proposed to select target districts before assembling a baseline census. On the contrary, it proposed merely to re-survey the original targets of Title VI after a year's delay. The targets for Title IX and 504 would be picked the next time from the baseline census. Furthermore, OMB had the clearest possible explanation of the entire process outlined to them by OCR, including a methodological appendix -- submitted as part of the clearance package -- which explicitly showed the coverage rates for each of the compliance categories.

(4) OMB, citing Secretary Mathews, stated that: "On the basis of data extracted from the Fall 1974 survey, OCR has more districts targeted for review than it can get to in one year." First, OCR does not have one year; it has two.^{13/} Secondly, data from the 1976-77 Survey will not be available from the contractor until late 1977 or early 1978 -- more than a full year from when OMB made this argument -- so this was not a reason to postpone the survey. And thirdly, while the fact of any outstanding backlog -- reflecting in part the lack of vigorous civil rights enforcement by HEW -- was not condoned by the civil rights groups, they argued that in remedying that backlog, OCR should

^{13/}Because the Survey has been on a biennial schedule since 1974, OCR had already had two years in which to pursue districts selected from 1974-75 data. Delay of the Survey for another year would have meant that OCR would have gone into an additional (third) year with no fresh district selection possible.

not cripple *future* compliance activities by failing to collect information from school districts for 1976-77.

(5) OMB's final statement, that it would "thoroughly assess the appropriateness of requiring that all of the proposed information be submitted to the Federal office (in contrast to having some portion of the data maintained at the local level)" represented a catastrophic confusion by OMB. OMB had confused the 101 and the 102 forms, which are submitted to OCR, with the proposed discipline recordkeeping requirement, wherein the information was to be maintained locally by school districts. OCR never intended that records maintained in accordance with the proposed recordkeeping requirement ever be submitted to Washington -- only that they be available locally for field teams to review. When OMB stated that it wanted to "thoroughly assess" the idea of transmitting about 40,000,000 individual student records to Washington, civil rights groups made it clear that it was OMB's own idea. OCR never proposed it.

October 20, 1976: A page one New York Times article highlighted the Ford administration's cancellation of the 1976-77 Survey and civil rights groups' protest to President Ford that OMB's "decision to scuttle the Civil Rights Survey at this time can only be seen as one more piece of evidence of the insensitivity of your Administration to all minority groups in this country, and lack of commitment to enforcing the law on their behalf."^{14/}

^{14/} Ernest Holsendolph, "Administration Blocks Race Census of Public Schools," cited from telegram of Director, Children's Defense Fund, to President Gerald Ford, 13 October 1976.

October 20, 1976: OMB reversed its decision to block the 1976 Survey and cleared the Survey forms.

October 21, 1976: The New York Times reported that an OMB spokesman "indicated that the Administration would proceed reluctantly with the census."^{15/}

November 8, 1976: A memorandum for chief state school officers was sent by OCR containing official notice of the 1976-77 Survey. The memo indicated that the Survey would cover all public elementary and secondary schools receiving federal financial assistance during the 1976-77 school year. The memorandum discussed the Survey's revised and broadened scope, the specific forms to be completed, the ways in which the data would be used and arrangements for mailing the Survey forms.

It also stated that "if some schools in a system *demonstrate* that they do not have sufficient information to adequately respond to a particular question, the Office for Civil Rights will be happy to discuss alternate data reporting approaches. School systems will be expected to retain such data for future biennial surveys...[thus they] will be required...to record and maintain similar records for the non-survey years." [*Emphasis added.*]
OCR gave local school districts until February 1, 1977, to return the completed 1976-77 Survey forms.

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Ernest Holsendolph, "U.S., in Shift, Gives Agency Permit to Go Ahead With a School Census," p.21.

The 1976-77 Survey has two separate sections:

(1) All school districts receiving federal funds (approximately 16,000 districts) were required to fill out the system summary form (OS/CR-101), containing district-wide totals for enrollment by race, sex, and handicap; vocational program (combined) enrollment by race and sex; suspensions by race and sex; non-English speaking students by race and by enrollment in ESL or bilingual programs; and pupils assigned to special education programs (both total number and breakdowns for EMR programs and programs for gifted children) by race. *This is the first time sex and handicap discrimination counts have been requested by OCR.* Because the 101 form asks for district totals only, there are no school-by-school breakdowns. (2) About 3,600 districts, selected using only *race discrimination* criteria (with the exception of about 600 districts chosen at random), were also asked to fill out a 102 form for each school in the district. The 102 forms contain, in addition to the 101 form data, questions relating to vocational program enrollment for specific programs (home economics, industrial arts) and academic program enrollment for specific programs (higher mathematics, advanced science) all by sex; special education assignments by race, sex, type of handicap, and percent of instructional day spent in isolation; and an ability grouping question that identifies within-school tracking by race and sex. Special counts of handicapped children requiring transportation are also included on the 102 forms as well as expanded school discipline questions

(relating to corporal punishment, juvenile court referral, and in-school alternatives).

November 14-17, 1976: The Council of Chief State School Officers held their annual conference in Salt Lake City, Utah. Minutes of the meeting indicate that concern was expressed regarding problems of timing on the 101 and 102 Survey forms for 1976. For example, Henry Boas of Los Angeles stated that "there will be no time for preparation or training for the LEAs."

At this meeting, the school chiefs approved a letter to President Ford informing him of a resolution passed: "Council representatives present at this meeting intend to advise local boards and superintendents to delay complying with the February 1, 1977 Office for Civil Rights deadline until we have received a response to this plea for your personal intervention. Furthermore, several chief state school officers are seeking clarification...as to whether the forms require information that exceeds the minimum requirements of the law and whether the Office for Civil Rights requests for information violate provisions of their State constitutions or of Federal law."

November 15, 17, 19, and 23, 1976: OCR conducted four Survey Orientation Seminars for the data liaison staff of the CCSSO in Washington, D.C.; Atlanta, Georgia; Kansas City, Missouri; and San Francisco, California, respectively.

November 17, 1976: CCSSO letter was sent to President Ford. It

was signed by John Porter, Michigan State Superintendent of Schools and the new President of the CCSSO. It stated: "Our purpose in writing...is to bring to your personal attention a decision made recently in the Executive Office of the President which we believe contradicts what you have said concerning the need to limit the growth of Federal paperwork."

The letter informed the President that the CCSSO had concluded that OCR's plans for the 1976-77 Survey were "unreasonable" for three reasons:

- (1) The data burden is excessive, requiring hundreds of thousands of person hours to provide information we believe goes far beyond what is reasonably necessary to comply with the law.
- (2) The amount of advance notice and the time schedule make it virtually impossible to meet OCR requirements as schools conduct normal essential educational activities.
- (3) In many states the information requested by OCR is redundant, since similar information has already been collected for 1976-77.

The Council "respectfully and urgently" requested the President to "immediately direct the Secretary of Health, Education, and Welfare to postpone the 1976-77 reporting requirements" and stated that they stood *"ready to assist further in preparing for a 1977-78 data collection effort."* [Emphasis added.]

Some school chiefs immediately began counseling non-compliance with Survey requirements. As W.E. Campbell, Virginia State Superintendent of Public Instruction, announced to more than 150 superintendents and other top school officials two days later: "We don't have to overreact to Washington mandates. We are going to quit running scared.... Don't sign, don't rush, don't get

any ulcers."^{16/}

November 22, 1976: California State Superintendent Wilson Riles sent a letter to his district and county superintendent announcing: "I am in complete support of this [the CCSSO] appeal." The letter stated that Superintendent Riles was joining other CSSOs in "advising county and district superintendents to delay complying with the February 1, 1977...deadline until we have received a response to this plea to the President for personal intervention" and that "legal counsel" was working with the state Attorney General to see whether the forms required "information that exceeds the minimum requirements of the law."

November 29, 1976: National School Boards Association (NSBA) Assistant Executive Director August Steinhilber sent a memorandum to selected school board members across the country advising them of what he termed a government "fishing expedition." The memo advised school board members to convey to the government and Congress concerns which "might" include inability to collect the detailed data requested, total lack of certain data for the previous year, what action OCR is planning, the high cost of complying with Survey requirements, and if filing an incomplete form would be adequate.

Director Steinhilber's memo listed three options for schools. They could: (1) refuse to collect data or submit the

^{16/} Charles Cox, "Fight U.S. Red Tape, Superintendents Told," Richmond Times-Dispatch, 20 November 1976, p.1

forms; (2) collect the data but hold the forms; or (3) comply fully. It further noted that information on the form would be available to the public -- "i.e., available to civil rights advocacy groups." Finally, the memo asked schools to comply with a NSBA survey by filling out and returning a form listing their basic stock of school enrollment and employment data and the estimated cost of complying with the Civil Rights Survey.^{17/}

December 15, 1976: Education Daily reported that "organized resistance" to the Survey "has surfaced across the country, with at least four chief state school officers advising their local districts to openly defy" the Survey's requirements: "School districts are bucking this year's revised OS/CR 101 and 102 survey forms... chiefs of the state departments of education in the four states have advised school districts to either ignore the forms or fill in whatever sections they can and 'sit on them' until the President acts...."

Bryan Hansford, CCSSO Executive Director, stated that while the Council did not advise the four states to plan a boycott, "I'm sure they were influenced by our opposition." Hansford also said that the February 1, 1977 deadline for submission of the Survey forms "makes it almost impossible to comply." And Carolyn Warner, Arizona State Superintendent, *"said she doesn't even plan to distribute the forms until the President responds."* [Emphasis added.]^{18/}

^{17/}For the results of the NSBA survey see June 3, 1977 in this chronology.

^{18/}"States Plan Boycott of HEW Survey," pps. 3-4

January 5, 1976: James T. Lynn, Director of OMB, responded on behalf of President Ford to State Superintendent Porter's letter. He rejected the Council's request for a year's delay in the conduct of the Survey:

As a result of the Department's increased responsibilities, the survey does, of necessity, request new information. Furthermore, these extended responsibilities have made it necessary for the Office for Civil Rights to require data from many additional school districts.... The Department does not expect that the data will need to be collected on such an extensive basis for each ensuing year.

After considering the timing of the survey in light of your concerns and those expressed by other interested parties, it has been determined that the survey should still be conducted this year. However, the Office for Civil Rights recognizes the problems caused by the lateness of the survey, and will accept certain alternatives to the reporting requirement recently distributed...in cases where the school districts have already collected some of the survey data this year, the Office for Civil Rights will accept this information as long as OCR is properly notified and the information can be integrated into the Federal data base....in cases where no records have been maintained regarding certain issues covered in the survey, e.g., discipline, OCR will consider alternative data reporting approaches.

The Office for Civil Rights is prepared to consider, on a case-by-case basis, requests from school districts for an extension of time to complete and return the survey...until March 31, 1977. HEW has informed OMB, however, that the Office for Civil Rights will not be able to review applications for the Emergency School Aid Act funds unless the school districts applying for such funds have provided racial and ethnic data by February 1, 1977.

January 6, 1977: CCSSO President Porter wrote President-elect

Carter warning that "we are experiencing...an uprising of school

administrators who are being pushed to their limits" by OCR's "burdensome data request" and "impossible" deadline. The letter requested that the President-elect push for more "reasonable requests, clear guidelines and adequate lead time" from federal agencies.

January 7, 1977: OCR sent a memorandum to CSSOs informing them that the 1976-77 Survey would not be cancelled and enclosed a copy of Secretary Lynn's January 5th letter to State Superintendent Porter. OCR encouraged school systems to complete and return the Survey forms by February 1, 1977, the original due date.

January 20, 1977: The new federal administration took office amidst continuing and increasing school resistance to the Civil Rights Survey.

January 26, 1977: HEW Secretary Califano announced that he was requiring a thorough review of OCR, which he said had been characterized by "ineffective effort" in the past. F. Peter Libassi, the first director of OCR, was charged with directing the review. Secretary Califano also said that the Carter Administration would be "vigorously involved" in enforcing civil rights laws on behalf of women and minority groups.

January 31, 1977: Mary Frances Berry, HEW's Assistant Secretary of Education-designate, stated in an interview that one of her goals would be to review current regulations affecting federal-

ly-supported educational activities, with an eye toward deciding which were "necessary" and which were not. She said she would be "very much interested" in possible solutions to the "red-tape burden" of federal programs. Ernest Boyer, U.S. Commissioner of Education-designate, in an interview, also stated that one of the items on his agenda would be attention to the needs of students with special disadvantages.

January 31, 1977: Charles M. Sisson, Jr., CEIS Chairperson, sent a letter to Albert T. Hamlin, Acting Director of OCR, stating that CEIS "has been actively working on behalf of CCSSO, state, and local education agencies in an attempt to clarify...concerns...respondent groups have with the OCR data gathering activities." The letter objected that OCR memoranda to CSSOs and LEAs had "implied" that "CEIS agrees with or at least has had some influence on the design and implementation of this data collection" which is not "accurate ." The letter did state, however, that *"CEIS representatives have spent a considerable amount of time with OCR attempting to plan and design this activity,..."* [Emphasis added.]

Among other things, the letter requested that "If CEIS is to be mentioned in future communications with SEAs and LEAs...some mutually agreeable language" be worked out in advance with CEIS representatives; that "OCR comply with the nine months' lead time in future data collections;" and that clarification be given "if the OCR is seriously considering any alternatives to full submittal of OS/CR 101 - 102, or if this

merely represents bureaucratic lip service."

The letter also noted that "if CEIS is to be of assistance in future pretests" they must be "carefully planned" with "clearly defined outcomes and alternatives," and further requested that CEIS' "evaluation of the results be made part of the clearance package."

February 1977: The American School Board Journal reported that "the battle that has been brewing" over the Civil Rights Survey "has now spilled over into the laps of school board members and school administrators." The Journal stated that "the furor" raised by the Survey "is not over civil rights, but instead involves the issue of federal intervention in the operation of school districts." August Steinhilber of NSBA, complained about what OCR might do with the data collected: "OCR does not explain precisely how it intends to use the information contained in the forms. Nor does it indicate the statistical criteria by which it would deem a school district to warrant further investigation or to be considered out of compliance.... The forms look like a fishing expedition that can place a well-intentioned school district in jeopardy." The Journal concluded, "In the opinion of many school people, this time the Fed has gone too far."^{19/}

February 1, 1977: Civil rights groups and representatives of CCSSO

^{19/} "They'd Have You 'Testify' Against Yourself," pps. 16-17.

met separately with Secretary Califano. A prime concern of the civil rights groups was continuation of the Civil Rights Survey, while the school chiefs discussed "general concerns." Both groups were informed that school districts not applying for Emergency School Aid Act (ESAA) funds had been given an extension until March 31, 1977 to submit the 1976-77 Survey forms to OCR.

School districts applying for ESAA funds were to submit data by February 1, 1977, but an OCR spokesman said, "We're not trying to discipline districts applying for ESAA funds or smack their hands for non-delivery." He said "a great number" of applicant districts had already turned the Survey forms in, and that the sooner other districts did the same the faster their ESAA applications could be processed.^{20/}

February 8, 1977: The Chicago Daily News quoted Secretary Califano on the subject of equal educational opportunity and school children's civil rights:

I think there's no more important work going on in our society than educating the young...protecting the vulnerable, the poor, the handicapped, the minorities that have for so long been discriminated against. In my judgment, our greatest national disgrace is that a generation of black children have by and large been shattered by inadequate education, and segregation, and discrimination.

I do not want any one in this [HEW] department to give one inch on the principle that we are the greatest force in this country because of the leverage we have in terms of money, talent and resources to provide equal educational opportunity for every child in this country, whether he's

^{20/}"OCR Drops February 1 Deadline for Survey from ESAA Applicants," Education Daily, 2 February 1977, p.3.

black, white, yellow, red, green or whatever, male or female. If there is any overriding consideration that should guide your thinking, it is that we achieve that goal, because every time we slacken up just a little bit and another 300 children who happen to be black get through another couple of years with a second-class discriminatory education, we're shattering their lives. And no one gave us the right to do that. It is an offense to our Constitution and our laws...on that score go all the way. I'll back you up.^{21/}

February 16, 1977: President Carter visited HEW and addressed about 6,000 employees. Their "most enthusiastic response" came when he said that he would not tolerate any weakening of civil rights laws that had been passed in previous years: "I'm committed because of political promises and deep personal feeling."

The President reminded the HEW staff of his desire to reduce federal paperwork and said HEW had 800 different, repetitive reports. He told them: "I want you to help decide which are needed, which can be simplified, which can be combined."^{22/} He announced that he had sent, that day, a memorandum to all cabinet members requesting that they review all reports required by their departments and report to OMB by March 31, 1977 "the goal of (the) agency for reduction of reporting" to be achieved by September 30, 1977, since "responsibility for exercising general oversight over the reporting burden reduction program" had been assigned to OMB Director Bertram Lance. The

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Cited in "Chronicle of Race, Sex and Schools," Integrated Education, May-June 1977.

^{22/} "Carter Agenda for HEW..." Education Daily, 17 February 1977, p.3.

President's directive further stated that cabinet members were to assume "personal responsibility" for "achieving the purpose of the Federal Reports Act as they relate to your agency."^{23/}

February 16, 1977: During a budget request presentation by Charles Hanson, HEW Director of Administration and Budget, before the House Labor-HEW Appropriations Subcommittee, Representative Robert Michel (R-Ill.) asked: "Did NCES have anything to do with that voluminous, monumental monstrosity" OCR had sent to school districts? NCES Administrator Marie Eldridge said that NCES had discussed the Civil Rights Survey with OCR "at one time" and told Michel that \$420,000 of \$1.1 million being requested for statistical projects would be used to expand the Education Data Acquisition Council -- an appointed technical clearance group within HEW which scans education surveys for duplication.^{24/}

February 17, 1977: HEW Secretary Califano announced the Department's "intention to require submission of all data...truly necessary for enforcement of...anti-discrimination laws." In order to reduce the "burden" on school systems, he extended the deadline for submission of the 1976-77 survey forms to April 30, 1977 for non-ESAA school districts, and to March 1, 1977 for the approximately 800 districts applying for ESAA funds.

^{23/} President Jimmy Carter, "Memorandum for the Heads of Executive Departments and Agencies," 16 February 1977.

^{24/} "OCR Monster," Education Daily, 18 February 1977, p.3.

Secretary Califano also announced, "eight months in advance of the due date," that an interim Civil Rights Survey of 3,500 districts would be conducted for the 1977-78 school year, but that "no new questions" would be added to the 1976-77 forms.^{25/} This announcement was subsequently used by OCR to justify the granting of filing extensions and reporting waivers for the 1976-77 Survey.^{26/}

February 17, 1977: OCR sent a memorandum to CSSOs advising them of Secretary Califano's decision to proceed with the 1976-77 Survey, and of the April 30, 1977 revised due date for the forms.

March 8, 1977: Secretary Califano, testifying on HEW's budget, told members of the Senate Labor-HEW Appropriations Subcommittee that he planned to use the same Civil Rights Survey forms being used this year next year but that a smaller sample of 3,500 school districts would receive them and HEW personnel would be made available to assist "smaller" districts. According to OCR spokesmen, Califano has "an intense interest in easing the data collection burden" but details of the conduct of the 1977-78 Survey would not be known until the OCR reorganization ordered by the Secretary was completed. ^{27/}

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U.S. Department of Health, Education and Welfare, HEW News (press release), "Public School Data Collection," pps. 3-4.

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See Appendix I of this report for a discussion of waivers granted by OCR.

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"Plans to Revise and Simplify OCR Surveys Not Specific Yet," Education Daily, 11 March 1977, p. 6.

March 31, 1977: Official notice of OCR's plans to conduct a 1977-78 Survey of about 3,500 school districts appeared in the Federal Register.^{28/} Ed. R. Allen, Jr., of CCSSO's OCR Task Force called the new Survey "unbelievable" and questioned the need for another "massive survey like this".^{29/}

March 31, 1977: The results of a review of OCR, undertaken by the General Accounting Office (GAO) at the request of Senator Birch Bayh (D-Ind.), were released. The review concluded that OCR lacked "basic management information" relating to its operations during fiscal years 1970-1976.^{30/} Albert Hamlin, OCR's Acting Director, acknowledged that there had been a "management problem" in the past but assured Senator Bayh that a "coherent, national policy" would emerge as a result of the new HEW administration's reorganization plans.^{31/}

March 31, 1977: Representative Frank Horton (R-N.Y.) and Senator Thomas McIntyre (D-N.H.) -- the Chairman and the Co-Chairman of the Federal Paperwork Commission respectively, introduced

^{28/} Vol. 42, No. 62, p. 17181.

^{29/} "OCR Plans New School Survey," Education Daily, 8 April 1977, p.3.

^{30/} See, Comptroller General of the United States, letter to Senator Birch Bayh, 30 March 1977.

^{31/} "GAO Report Hits HEW Office for Civil Rights," Washington Post, 1 April 1977.

legislation in the House and Senate to expand opportunities for public participation in federal agency rulemaking and to allow the President to delay for one year any rules or regulations he thinks need "more comprehensive analysis of congressional intent and public impact." Sen. McIntyre, in introducing the Senate bill -- called the "Red Tape Reduction Act" -- said that one area "where the speed of implementing regulations is causing great problems" was OCR requirements. He noted that Robert Benton, Iowa Superintendent of Public Instruction -- who also serves on the Paperwork Commission -- told him that although CCSSO "had been working closely with the executive branch to comply with HEW regulations" they still found that the "amount of advance notice and the time schedule" of the 1976-77 Survey made it "virtually impossible" to meet OCR requirements. Sen. McIntyre expressed the view that: "Clearly, more time should have been taken before regulations and information requests were sent out by OCR burdening our school districts."^{32/}

April 5, 1977: Representatives of various government and non-government organizations were invited by OCR to participate in a two-day meeting April 21-22, 1977 to "review and discuss... the appropriate questions to be contained" on the Fall 1977 Survey forms. The invitation reiterated Secretary Califano's February 1977 announcement that there would be a Fall 1977 Survey: "In his statement the Secretary ordered action to reduce the burden of filling out forms for public school systems

^{32/}Congressional Record, Vol. 123, No. 57, 31 March 1977, pps. S5282-5284; p. H2867.

but simultaneously made clear the Department's intention to require submission of all data that are truly necessary for enforcement of the anti-discrimination laws."^{33/}

April 22, 1977: Two separate memoranda were sent by OCR to "Superintendents of Elementary and Secondary School Districts Not Yet Submitting the OS/CR 101" and to "Superintendents...Not Yet Submitting the OS/CR 101 and 102." The memoranda reminded the superintendents of OCR's earlier February 17, 1977 memo to CSSOs and "encouraged" districts to submit completed forms to OCR as soon as possible before the April 30, 1977 deadline. It also advised that failure to file the forms was illegal. School districts having questions were asked to contact the OCR School Survey Manager.

April 14, 1977: The April 21-22, 1977 meeting planned by OCR to discuss the 1977-78 Civil Rights Survey was cancelled in order to "allow us [OCR] more time to review this requirement and coordinate our plans with the Office of Management and Budget." A rescheduled meeting date was not announced.^{34/}

April 18, 1977: A staff report on education submitted to the Commission on Federal Paperwork summarized two previously made

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Albert T. Hamlin, Acting Director, OCR, letter to the Children's Defense Fund, 5 April 1977.

^{34/}

Albert T. Hamlin, Acting Director, OCR, letter to the Children's Defense Fund, 14 April 1977.

recommendations regarding the Civil Rights Survey, both related to providing sufficient lead time to school districts. The recommendations were: (1) that OCR should announce by January 1977 whether the same data requested in the 1976-77 Survey would be requested by the 1977-78 Survey, "subject to legislative or judicial changes," and (2) that the Secretary of HEW should direct EDAC to require clearance of the 1978-79 Survey instruments in time to announce the Survey by January 1, 1978.^{35/}

May 25-26, 1977: Hearings on "Paperwork Problems in Elementary and Secondary Education Programs" were held by the House Subcommittee on Elementary, Secondary and Vocational Education of the Committee on Education and Labor. Among those testifying on "paperwork problems" caused by the Civil Rights Survey were: Ivan Gluckman, Legislative Counsel to the National Association of Secondary School Principals; Calvin Frazier, Colorado Commissioner of Education (representing the CCSSO); William Peek, Assistant to the North Carolina State Superintendent of Public Instruction; and Elliott Levitas, Congressman from Georgia's Fourth District. The Children's Defense Fund and the NAACP

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The Commission on Federal Paperwork was created by Congress in 1975 to conduct a two year study of the paperwork burdens on the American public and make recommendations to the Congress and the President. Its fourteen members are drawn from Congress, the executive branch, state and local governments and the private sector. It has no power to enforce its proposals other than "the moral force of a good idea," according to one of its co-chairmen. (See, T.R. Reid, "Paper Tigers Start To Roar," Washington Post, 26 February 1977.)

Legal Defense and Educational Fund testified on the importance of the data collected by the Survey to federal civil rights enforcement.

Typical of the sentiments of those testifying against the Survey was Congressman Levitas' comment concerning "the almost daily struggle state and local education officials undergo in trying to cope with the federal bureaucracy." He stated: "... the explosion of requests for information at the federal level has caused an almost complete loss of sight of the end product of education, a well-adjusted and productive citizenry. Educators have become rule appliers and form completors."

In introducing into the record correspondence concerning the Civil Rights Survey from Georgia *school officials*, Congressman Levitas further stated that the Survey is "an example of one of the great concerns of the citizens of this nation. When a federal agency can issue requirements that have such a broad impact with little opportunity for those affected by the requirements to be heard or to appeal, something is drastically wrong." He concluded that, "I am most pleased that you are listening to the outcry of the average man against the bungling bureaucracy...." [Emphasis added.]

May 26, 1977: The House Committee on Appropriations' report accompanying the 1978 Labor-HEW appropriations bill (H.R. 7555) contained the following language concerning the burden placed on school districts by the 1976-77 Civil Rights Survey:

"The Committee fully supports the efforts by the Office of [sic] Civil Rights to enforce the various civil rights laws enacted by Congress. At the same time, the Committee expects that this enforcement effort not place increased costs or additional burdens on local school systems. The Elementary and Secondary Civil Rights Survey sent to all the school systems last year placed a heavy burden on local school districts in time and money. That survey was very extensive and detailed, and resulted in considerable cost for most school systems. The Committee suggests that a simpler survey could have been developed to serve the purpose, and expects that in this and other areas, the Office will in the future be realistic in its demands and display a degree of common sense and understanding in undertaking its responsibilities."^{36/}

June 3, 1977: The results of a November 1976 NSBA survey on the amount of time and the costs involved in school district completion of the Survey forms were reported in Education Daily. According to the survey, which went to 420 school systems, districts spend an average of 1.1 minutes and 17 cents per student filling out the 101s and 102s. On the basis of "usable" responses received from 141 school districts, NSBA estimated that responding to the Survey requires a national total of 810,000 hours and a nationwide cost of \$7 million.^{37/}

June 17, 1977: Congressman Robert Daniel proposed an amendment to the 1978 Labor-HEW appropriations bill that would have prohibited OCR from using any funds in the appropriation to conduct a Civil Rights Survey for the 1977-78 school year. In intro-

^{36/} House Committee on Appropriations, Report, p.95.

^{37/} "NSBA Calculates the Cost of OCR Forms 101 and 102," Education Daily, 3 June 1977.

ducing the amendment, he stated:

My colleagues undoubtedly are aware of the inefficiencies that have made such required forms as OS/CR 101 and 102 one of the prime examples of massive government redtape. If any Member is not informed, he needs only to consult the teachers, principals, and superintendents of his own district to quickly find out.

These surveys have been extremely time consuming as well as costly on the Federal, State, and local levels in determining racial, ethnic, and other relevant information regarding classroom composition....the complexity and confusing format of the questionnaires has raised serious doubts as to the validity of the responses once they have reached Washington....What we are witnessing here is an unwieldy Federal program whose gross inefficiency becomes all the more apparent with time.^{38/}

Since no general Survey of large numbers of school districts had been planned for 1977-78, the only districts which would have been affected were those under pending compliance actions (field investigations or termination hearings) and those which requested waivers of some or all of the 1976-77 Survey's reporting requirements. Thus, the vast majority of school districts would not have been spared any data collection burden by adoption of the amendment. However, a handful of districts where civil rights violations have either been substantiated or which specifically requested exemptions from reporting requirements (which were fulfilled by over 90 percent of all other districts) would have gone unreviewed. The amendment was defeated by a vote of 44-23. As a result, there was no language regarding the Survey in the House bill.

^{38/}Congressional Record, 17 June 1977, p. H6106.

June 21, 1977: The Senate Committee on Appropriations' report on the 1978 Labor-HEW appropriations bill contained the following language supporting OCR's efforts to collect civil rights compliance data from public schools:

The Committee fully supports the efforts of the Office for Civil Rights in its efforts to enforce the various Civil Rights laws enacted by Congress. The Committee also understands the importance of gathering information relative to the schools' compliance with these laws. However, the Committee is concerned about the length and complexity of the recent Elementary and Secondary School Civil Rights Survey. The Committee understands that the survey will be conducted every second year in the future. The Committee believes that increased cooperation between the Office of [sic] Civil Rights, local educational agencies and the chief State school officers of the respective States in the preparation of any such forms will benefit the future compliance efforts of HEW and greatly reduce unnecessary paperwork. The Committee does not condone foot-dragging by anyone in the collection of this essential information.

The Secretary in a recent appearance before the Committee stated that in the future there will be increased technical assistance provided to the schools by HEW in the completion of the forms. It is hoped the forms used in future surveys will be less complex and easier to fill out. The Committee suggests that expeditious action by the Office for Civil Rights in notifying districts when future surveys will be conducted and the type of information that will be requested would be beneficial to all parties involved.^{39/}

June 28, 1977: An amendment to the Labor-HEW appropriations bill was introduced by Senator Jesse Helms which would have prohibited HEW from requiring school districts to classify students or faculty by race or national origin, or to keep statistics by race or national origin. The amendment, similar to one

^{39/} Senate Committee on Appropriations, Report, pps. 128-29.

introduced in the House two years earlier by Congresswoman Marjorie Holt, was defeated by a vote of 64-26.

In introducing the amendment, Senator Helms stated:

...HEW bureaucrats have used the power of the Federal purse to force school systems to make assignments and keep records on the basis of race in order to qualify for Federal funds.

The solution is simple. Today we are appropriating funds for HEW. HEW will in turn use those funds to require school systems to set assignments and establish records based on race, as HEW has constantly done in the past.

...My amendment would prohibit an isolated and arrogant Federal bureaucracy from engaging in economic blackmail to achieve its goals of social engineering--goals which have never had the support of the American people and which could never be achieved at the ballot box.

...if enacted, (it) will return the schools of this country to the local units of government and, thereby, to the people. That is what the American people want...[to remove] the needless 'strings' that allow the Department of Health, Education, and Welfare to require school systems to compile stacks and stacks of information, statistics, and reports in order to prove that no discrimination exists.

In response, Senator Edward Brooke called it "one of the most dangerous amendments to be offered," which "would effectively repeal Title VI of the 1964 Civil Rights Act. Not only could we not enforce Title VI to remedy unconstitutional violations, but we could not even discover if such violations existed."^{40/}

June 29, 1977: The Senate adopted an amendment to the Labor-HEW appropriations bill by a vote of 71-18 prohibiting HEW from re-

^{40/}
Congressional Record, 28 June 1977, p. S10885.

quiring the Civil Rights Survey for the 1977-78 school year of any school district that completed the Survey in the 1976-77 school year unless the Secretary "has reason to believe that there may be a violation of the civil rights laws in a particular school system and so certifies...."

The amendment, as originally introduced by Senator Harry Byrd, would have prevented OCR from conducting any Survey -- even one limited to those districts failing to submit data in 1976-77. During a somewhat confused floor debate, Senators Warren Magnuson, Edward Brooke, and Jacob Javits persuaded Senator Byrd to let them amend his proposal to allow the Secretary of HEW to survey in 1977-78 those districts where he has evidence of potential discrimination.

July 1, 1977: Senator James McClure introduced a bill "to relieve secondary and elementary schools from the costly and unnecessary burden of completing and filing Office of [sic] Civil Rights forms 101 and 102." In so doing, he stated:

...the considerable number of man-hours required to complete these cumbersome forms is costly to district taxpayers, school personnel, and students alike, for valuable time which could be devoted to teaching or counseling students must now...be spent eliciting personal information from students concerning their private family backgrounds, compiling data on confidential disciplinary actions, and worse, in scrutinizing the dimensions of toilet stalls within a given school district.

I certainly do not object to the collection of relevant information bearing some rational relation to the goal of determining whether the schools are in compliance with the civil rights law. But I do object to an abuse of discretion which amounts to the operation of an informational fishing expedition

seeking voluminous data for no related or stated purpose except that it might be of interest to someone, sometime.

I submit that these forms go well beyond reason... it is ridiculous to expect a teacher to keep records of or log every instance he or she is required to discipline a student. In the long run the result can be to harm the very people we seek to help.^{41/}

July 19, 1977: Senate conferees on the 1978 Labor-HEW appropriation agreed to drop the Senate bill language on the Survey which had been adopted (see June 29, 1977), if House conferees agreed to put "strong language" prohibiting OCR from conducting a 1977-78 Survey in the conference report.

July 19, 1977: In a letter to Senator Warren Magnuson, HEW Secretary Califano stated that HEW, in conjunction with OMB, had decided to cancel the 1977-78 Survey and "after careful revision" conduct a "nationwide survey" in 1978. Califano said the decision "was reached quite apart from the Senate action" although "we are deeply concerned about the possible impact of the amendment in the Senate version of H.R. 7555" and "about the precedent approval of such a provision might set with respect to the viability of the Department's efforts to assure equal education opportunity."

Califano also stated:

I want to be certain that we seek sufficient data on which to base HEW's enforcement of relevant civil rights laws. But I am also committed to seek this

^{41/} Congressional Record, 1 July 1977, p. S11452.

data in a fashion which is not unduly burdensome or duplicative.... *I sincerely hope that our decision to cancel the survey for the 1977-78 school year will not imperil future, and vitally needed, OCR surveys.* We realize that there have been valid complaints about prior surveys from school officials, civil rights leaders, and others. Our decision to postpone the 1977 survey recognizes those complaints. We hope to develop a less complicated, more useful survey. [*Emphasis added.*]

August 1977: In a memorandum sent to all chief state school officers, OCR announced its decision to postpone the 1977-78 school year Survey and notified CSSOs that "the survey will be conducted in Fall 1978 and on a biennial basis thereafter." In addition, OCR announced its intentions during 1977-78 to "review the survey forms with the aim of reducing and simplifying reporting requirements" and to consider whether its new enforcement responsibilities under Title IX and Section 504 "may require some alteration in sampling procedures" for future Surveys.

The memorandum stated that postponement of the Survey for a year would afford OCR adequate time "to more effectively coordinate the survey design with interested parties, including The Office of Management and Budget, the Education Data Acquisition Council, education organizations, civil rights groups, and other Federal agencies" and to "analyze the 1976-77 data to help determine what improvements are needed for the new forms."

August 16, 1977: An article in the Washington Star reported that, in postponing the 1977-78 Survey, HEW Secretary Califano was "reversing the hard-line position he held on the survey when he

took office seven months ago." But the article stated that even "while promising to streamline the questionnaire, OCR officials forcefully defend the need for a nationwide survey," and cited one OCR spokesman who said that regional agencies use the information collected by the Survey "daily" in investigating discrimination complaints in local school systems.^{42/}

August 25, 1977: A two-day meeting to discuss the Survey, originally scheduled by OCR for April 21-22, 1977 (but subsequently postponed) was rescheduled for September 29-30, 1977. OCR's meeting announcement stated that the "proposed contents" of the 1978-79 Survey forms would be discussed in order to "enable a wide range of ideas and concerns about the Survey to be presented" which "should provide OCR a broader basis for final design of this and future data collection activities." A range of government and non-government organizations were invited to participate.

^{42/} Lorenzo Middleton, "Civil Rights Survey Postponed."

APPENDICES

APPENDICES

APPENDIX A

GLOSSARY OF TERMS USED IN THIS PAPER

clearance -- A process whereby one agency has veto powers over the activities of a different agency, and the agency with clearance power may either grant or withhold permission for the planned activities of the subordinate agency. E.g., under the Federal Reports Act of 1942, OMB has "clearance powers" over all agencies in the executive branch for the purpose of reducing the reporting burden on respondents of federal forms.

clearance package -- A collection of required statements, examples and documentation submitted to a clearance agency by a subordinate agency for the purpose of requesting clearance for a particular activity. E.g., a clearance package submitted to OMB would have to contain standard OMB Form 83 and perhaps several hundred pages of accompanying documentation, including pre-test reports on proposed forms, analysis plans for the data to be collected, sampling plans for the selection of respondents to be surveyed and other related materials.

CCSSO -- The Council of Chief State School Officers is a private association of State Commissioners of Education, heads of State Departments of Education, and similarly empowered school officers from the states. The Council's existence was recognized in the Education Amendments of 1974 in conjunction with the coordinating powers of NCES. It speaks for the interests of chief state school officers and is the body with which OCR coordinates its data collection requirements.

CEIS -- The Committee on Evaluation and Information Systems of the Council of Chief State School Officers is appointed specifically to coordinate data collection and analysis activities of the federal government. CEIS is the specific group of CCSSO members with which OCR staff work.

Commission on Federal Paperwork -- First proposed by President Ford, the Commission was created by Congress in 1975. It does not have clearance powers of any kind, but makes recommendations relating to federally-generated paperwork to Congress and executive agencies. In a recent paper issued on the Civil Rights Survey, the Commission limited its comments to proposals for the conduct of future surveys.

Core Data Program Act -- This section of the Education Amendments of 1974 gives NCES the authority to establish common reporting requirements for federal educational data collection activities in the states. It instructs NCES to carry out a survey of what data is in fact already available or can be procured and subsequently coordinate the data collection efforts of other agencies within HEW.

Education Amendments of 1974 -- A package of omnibus bills which contain many specific changes in various existing education laws and also provisions related to federal educational data collection activities.

EDAC -- The Education Data Acquisition Council is an appointed technical clearance group established within HEW's Education Division. It includes representatives from NCES, OE, NIE, and the Assistant Secretary's office. EDAC is assigned the clearance powers conferred on NCES under the Education Amendments of 1976, which specifically include NCES oversight over OCR's data collection activities -- despite the fact that OCR is not a part of the Education Division.

EDAC clearance procedure -- Prior to seeking clearance for data collection activities from OMB, EDAC requires that an agency submit proposed educational data forms, definitions of the data collection's purpose, and sampling plans for publication in the Federal Register. Comments are to be accepted from the public regarding the reporting burden of the proposed data collection for a period of thirty days.

EEOC -- The Equal Employment Opportunity Commission is an independent agency created by Congress in the Civil Rights Act of 1968. It is not part of the executive branch of government in terms of subordination to OMB clearance powers. Rather, its reporting and data collection requirements are reviewed by the General Accounting Office (GAO) under the Trans-Alaska Pipeline Authorization Act of 1973. (GAO is an independent agency responsible to Congress and is part of the legislative branch.)

ESAA application -- The Emergency School Assistance Act requires local education agencies (LEAs) requesting ESAA funds to

prepare an application on form OE-116, the ESAA application. OCR has primary responsibility for reviewing school districts which receive ESAA grants to see that they are in compliance with ESAA regulations. However, OCR does not actually review ESAA applications -- OE does. (The ESAA application is designed by OE under the supervision of NCES.)

ESEA Title I application -- Applications for funds under Title I of the Elementary and Secondary Education Act have no federal form number. In the past, forms prepared by the Office of Education were used. Presently, states are permitted to design any application for Title I funds they deem consistent with the specific provisions of ESEA regulations.

Federal Reports Act of 1942 -- The law which gives OMB the power to prohibit any unnecessary collection of data by federal agencies. The threshold point is data which would impose a reporting burden on more than ten individual respondents.

HEW -- The U.S. Department of Health, Education and Welfare is one of eleven cabinet-level departments within the executive branch of the federal government.

LEA -- Local Education Agency is a term used to describe an independent operating entity with undelegated authority over public education, typically a school district, but occasionally a special state agency or institution (such as a home for neglected children).

NCES -- The National Center for Education Statistics in an educational data collection agency within the Education Division of HEW. It is generally empowered by the Education Amendments of 1974 to provide coordination of educational data collection efforts, and specifically empowered by the Education Amendments of 1976 to coordinate OCR's data collection activities.

OCR -- The Office for Civil Rights is a unit within HEW created by the Secretary of HEW, and reporting directly to him. It was first mentioned by statute in the Education Amendments of 1976, when coordination over its data collection activities were given to NCES.

OCR form OS/CR 101 -- The reporting form for school district-wide information and data, collected as part of the Elementary and Secondary School Civil Rights Survey. There is only one to be filled out per school district.

OCR form OS/CR 102 -- The reporting form for individual school campus information and data, collected as part of the Elementary and Secondary School Civil Rights Survey. There is one form to be filled out for each individual school within a school district.

OCR Task Force -- The OCR Task Force is a subcommittee of the Committee on Evaluation and Information Systems of the Council of Chief State School Officers. It makes specific recommendations to CEIS regarding the educational data collection efforts of OCR.

OMB -- The Office of Management and Budget is the successor agency to the Bureau of the Budget, and was created under President Nixon's "Reorganization Plan #2" of 1970. The new OMB was to "place much greater emphasis on the evaluation of program performance and assessing the extent to which programs are actually achieving their intended results and delivering the intended services to the intended recipients."

OMB circulars -- The Office of Management and Budget periodically issues directives under its general powers which are referred to as OMB circulars and given identification numbers. Circular A-40 defines the federal reporting requirements which OMB supervises under powers derived from the Federal Reports Act of 1942. The specific guidelines which OMB uses in reviewing whether the standards contained in OMB Circular A-40 have been met are contained in OMB's clearance manual.

pretest -- A pretest is the preliminary and experimental use of a proposed form or procedure which is carried out on a sample basis in order to determine whether the form or procedure works as planned and whether it produces the data intended. A pretest is also the most commonly used means by which an agency determines the extent of the burden which the form or procedure places on respondents (as required by OMB Circular A-40). The pretest report contains pretest findings.

SEA -- State Education Agency is a term used to describe the agency within a state's executive branch exercising authority over public education to the extent a state's constitution and laws allow.

APPENDIX B

SCHOOL SYSTEM SUMMARY REPORT: FORM OS/CR 101
DUE FEBRUARY 1, 1977

FORM APPROVED
OMB No. 85-R0108

Expires **10/31/78**

REPORTING REQUIREMENT: This report is required by HEW pursuant to Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973. Section 80.6(b) of HEW Regulation (45 CFR 80) issued to carry out the purposes of Title VI of the Civil Rights Act of 1964 provides:

Compliance Reports. Each recipient shall keep such records and submit to the responsible Department official or his designee timely, complete and accurate compliance reports at such times, and in such form and containing such information as the responsible Department official or his designee may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this Regulation.

**ELEMENTARY AND SECONDARY SCHOOL
CIVIL RIGHTS SURVEY: SCHOOL YEAR 1976-77**
**U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE FOR CIVIL RIGHTS
P.O. BOX 14195
BENJAMIN FRANKLIN STATION
WASHINGTON, D.C. 20044
TELEPHONE: (202) 347-3755**

GENERAL INSTRUCTIONS:

- Please use a typewriter or print legibly in ink.
- Pupil membership data should be reported as of January 7, 1977 or the nearest convenient date prior to February 1, 1977.
- If the answer for a given item is "none" or if all elements of a matrix are "0", enter "0" in the appropriate space or in the total column only in the case of a matrix. If a particular item is not applicable in your case, enter "N/A" (not applicable) in the appropriate space or in the total column only in the case of a matrix.
- If forms are prelabeled incorrectly, items 1 and 2 must be completed. If pages 2-3 are not labeled, be sure to fill in the name of school system.

1. Name of School System		2. Street Address or P.O. Box	
City	County	State	Zip Code
3. Name of Chief Administrative Officer of School System			
Area Code/Telephone No.		4. How many individual school campuses are included in this school system?	

5. Indicate which of the following changes this school system has been involved in since September, 1974.

a. Mark all that apply

TYPE OF CHANGE

- ☐ Consolidation (Two or more systems combine to form one larger system)
- ☐ Unification (Elementary and Secondary school systems [excluding junior college or adult education programs] merge to form a unified system)
- ☐ Division (A larger system divides to form two or more smaller systems)
- ☐ Annexation (Transfer of schools between systems)
- ☐ This school system has not been involved in any of the changes listed above.

b. List the previous name(s) of the school system(s) involved in any of the changes indicated in item a. above. Be sure to include data for the school system as it is currently constituted.

6. Is this school system currently under a Federal court order to desegregate its students? ☐ Yes ☐ No

7. Is the course of study leading to graduation different for males and females in this school system - either in number of credits or types of courses required for graduation? ☐ Yes ☐ No

8. PUPIL MEMBERSHIP DATA

INSTRUCTIONS:

- Please complete questions 8a-f, on page 2, for the 1976-77 school year, unless otherwise indicated.
- Please read the definitions of the racial/ethnic categories before you begin.
- Where indicated, provide information by sex as well as racial/ethnic category. If data is provided by sex in question 8c, you do not have to complete the "total" row.
- If the answer for a given item is "none" or all "0" enter "0" in the appropriate space or in the total column only in the case of the matrix. If a particular item is not applicable in your case, enter "N/A" (not applicable) in the appropriate space or in the total column only in the case of the matrix.
- Do not use percentages, average daily attendance, average daily membership, or year-end enrollment.

DEFINITIONS:

Racial/Ethnic Categories: Racial/ethnic designations, as used by the U.S. Department of Health, Education, and Welfare, Office for Civil Rights, do NOT denote scientific definitions of anthropological origins. For the purpose of this report, a pupil may be included in the group to which he or she appears to belong, identifies with, or is regarded in the community as belonging to. However, no person should be counted in more than one racial/ethnic category.

(1) American Indian or Alaskan Native. A person having origins in any of the original peoples of North America.

(2) Asian or Pacific Islander. A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa.

(3) Black, not of Hispanic Origin. A person having origins in any of the Black racial groups of Africa.

(4) White, not of Hispanic Origin. A person having origins in any of the original peoples of Europe, North Africa, the Middle East, or the Indian subcontinent.

(5) Hispanic. A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin - regardless of race.

GO TO QUESTIONS 8a-f ON PAGE 2

(Please read the instructions and definitions on page 1 before completing the following questions.)

S. Pupil Membership Data - Continued	Male, Female or Total	Col. 1	Col. 2	Col. 3		Col. 4	Col. 5	Col. 6
		American Indian or Alaskan Native	Asian or Pacific Islander	Not of Hispanic Origin		Hispanic	Total	
				Black	White			
1. What was the total pupil membership in this school system on or about January 1, 1977?	Male							
	Female							
<i>Definition: Vocational education programs are those programs (such as Nursing, Plumbing, and Accounting) which provide vocational or technical training, the purpose of which is to prepare the pupil for a gainful occupation. For the purpose of answering the following questions, programs which do not meet the requirements of your state vocational education plan should not be included or reflected in the data reported.</i>								
b1. How many pupils are enrolled in vocational education programs operated by this school system? (Count pupils only once regardless of the number of programs they are enrolled in.)	Male							
	Female							
b2. How many secondary schools in this system administer and/or operate five or more vocational education programs, as defined above?								
Schools								
c. How many pupils were suspended for at least one school day or expelled from any school in this system during the 1975-76 school year? (Count pupils only once regardless of how many times they were suspended or expelled. Do not count pupils who were only out of school for less than one school day due to suspension. If no figures are available by sex, furnish total by racial/ethnic group. A breakdown by sex will be required in the future.)	Male							
	Female							
	Total							
d. How many pupils in this school system have a primary or home language other than English, which those pupils use or speak exclusively or which those pupils use or speak more often than English?	Total							
e. How many pupils, reported in item d. above, are enrolled in an English-as-a-Second-Language program, or, in any class taught in a language other than English (for example, a science class taught in Spanish)? Do not count pupils enrolled in a class to learn a foreign language.	Total							
<i>Definition: Special Education Programs are those designed to meet the needs of children with any mental, physical, or emotional exceptionalities, including, but not limited to, educable mentally retarded, trainable mentally retarded, seriously emotionally disturbed, learning disabled, socially maladjusted, speech impaired, blind or visually impaired, deaf or hard of hearing, orthopedically handicapped, and gifted or talented. To obtain definitions for the exceptionalities, refer to the U.S. Office of Education, National Center for Educational Statistics, "Student/Pupil Accounting: Standard Terminology and Guide for Managing Student Data in Elementary and Secondary Schools, Community and Junior Colleges, Adult Education".</i>								
f. How many pupils participate in any special education programs operated and administered exclusively by this school system? (Count pupils only once regardless of the number of programs they participate in. Do not include those pupils who are participating in a cooperative special education program operated with one or more other school systems.)	Total							
f1. Of the pupils reported in item f., how many participate in special education programs for the educable mentally retarded or educable mentally handicapped?	Total							
f2. Of the pupils reported in item f., how many participate in special education programs for the gifted or talented? (If there are no special education programs for the gifted or talented, answer question (3).)	Total							
f3. If there are no special education programs for the gifted or talented, how many pupils participate in honors, advanced placement or other enrichment programs?	Total							

9. Special Education Programs

Refer to definition of Special Education Programs preceding item 8f on page 2.

- a. How many resident, school-age children have been identified as currently requiring special education whether or not they are enrolled in school? (Report only those pupils known to the school system at the time of reporting. It is not necessary to conduct a community survey to gather this data. All pupils who currently require special education should be counted, including those who may be sent outside of this school system for special education programs.)
- b. How many resident pupils participate in a special education program operated cooperatively with one or more other school systems?
- c. How many resident pupils participate in a special education program operated exclusively by another public school system? (Include only those pupils for whom full or partial payment was made from local school system or state funds.)
- d. How many resident pupils participate in a special education program operated by any entity other than a public school system, such as private schools, state institutions, etc.? (Include only those pupils for whom full or partial payment was made from local school system or state funds.)
- e. How many *non-resident* pupils participate in special education programs operated exclusively by this school system? (Include only those pupils for whom referral was made from their school system or for whom full or partial payment was made from their local school system or state funds.)
- f. Since the beginning of the 1976-77 school year, how many resident school age children have been out of school because of a handicapping condition? (Include children with handicapping conditions of the type listed in the definition of Special Education Programs and only those pupils known to the school system, i.e., enrolled in school, but homebound due to handicapping condition. Do not include those with temporary illnesses or injuries.)
- g. Since the beginning of the 1976-77 school year, how many of the children who have been out of school, reported in item f. above, have received or are receiving homebound instruction?
- h. Since the beginning of the previous school year (1975-76), how many resident school age children have undergone comprehensive evaluation to determine their need for special education? (Apply definition of comprehensive evaluation that is used in this school system to refer to those tests, referrals, and procedures by which a pupil is evaluated for special needs.)
- i. How many teachers in this school system are assigned to teach special education programs?

_____ children

_____ pupils

_____ pupils

_____ pupils

_____ pupils

_____ children

_____ children

_____ children

No. assigned full-time _____

No. assigned part-time _____

To assure the submission of correct Title VI, Title IX, and Section 504 compliance data, please check the completeness and accuracy of each item reported. Errors or omissions may require a re-filing of this form.

Certification: I certify that the information given above is true and correct to the best of my knowledge and belief.
(A willfully false statement is punishable by law [U.S. Code, Title 18, Section 1001].)

Signature of Person Furnishing Information _____

Title _____

(Area Code) Telephone Number _____

Date Signed _____

INDIVIDUAL SCHOOL CAMPUS REPORT: FORM OS/CR 102
DUE FEBRUARY 1, 1977

FORM APPROVED:
OMB No. 85-R0110

Expires 10/31/78

REPORTING REQUIREMENT: This report is required by HEW pursuant to Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973. Section 30.6(b) of HEW Regulation (45 CFR 30) issued to carry out the purposes of Title VI of the Civil Rights Act of 1964 provides:

Compliance Reports. Each recipient shall keep such records and submit to the responsible Department Official or his designee timely, complete and accurate compliance reports at such times, and in such form and containing such information as the responsible Department official or his designee may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this Regulation.

ELEMENTARY AND SECONDARY SCHOOL
CIVIL RIGHTS SURVEY: SCHOOL YEAR 1976-77
U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE FOR CIVIL RIGHTS
P.O. BOX 14195
BENJAMIN FRANKLIN STATION
WASHINGTON, D.C. 20044
TELEPHONE: (202) 347-3755

GENERAL INSTRUCTIONS:

- Please use a typewriter or print legibly in ink.
- Pupil membership data should be reported as of January 7, 1977 or the nearest convenient date prior to February 1, 1977.
- If the answer for a given item is "none" or if all elements of a matrix are "0", enter "0" in the appropriate space or in the total column only in the case of a matrix. If a particular item is not applicable in your case, enter "N/A" (not applicable) in the appropriate space or in the total column only in the case of a matrix.
- If forms are pre-labeled incorrectly, items 1 through 3 must be completed. If pages 2-9 are not pre-labeled, be sure to fill in the name of this school campus and school system.

1. Name of School System			
2. Name of School Campus		3. Street Address or P.O. Box of School Campus	
City	County	State	Zip Code

4. Grades Offered at this School Campus

a. What grades are offered at this school campus? (Check all that apply.)

☐ Ungraded* ☐ Pre-K ☐ K ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10 ☐ 11 ☐ 12

*If this school is totally or partially ungraded, do not check the grades covered by the ungraded span, but provide, in item 4b., the equivalent grade level or age span of the pupils enrolled in the ungraded span. For example, if a school offers grades 1, 2, 3, and 4 individually and grades 5 and 6 in an ungraded structure, check "ungraded", "1", "2", "3", and "4" in item 4a; and indicate in item 4b., grades "5" through "6".

b. Indicate the equivalent grade levels offered or age span of pupils for the ungraded sections offered at this school campus.

Grades: _____ through _____ or Ages: _____ through _____

5. Definition: Special Education Programs are those designed to meet the needs of children with any mental, physical, or emotional exceptionalities, including, but not limited to, educable mentally retarded, trainable mentally retarded, seriously emotionally disturbed, learning disabled, socially maladjusted, speech impaired, blind or visually impaired, deaf or hard of hearing, orthopedically handicapped, and gifted or talented.

Is this school campus composed exclusively of special education programs?

☐ Yes ☐ No

6. Definition: Vocational Education Programs are those programs (such as Nursing, Plumbing, and Accounting) which provide vocational or technical training, the purpose of which is to prepare the pupil for a gainful occupation. For the purpose of answering the following question, programs which do not meet the requirements of your state vocational education plan should not be included.

How many vocational education programs are operated at this school campus?

_____ programs

7a. Do any of the instructional buildings on this campus have the following facilities/equipment to accommodate the needs of handicapped persons?

- | Yes | No | |
|--------------------------|--------------------------|--|
| ☐ | ☐ | 1. Primary entrances which are ground level or which have ramps with handrails? (The slope of the ramp must not be greater than one foot height for every 12 foot length.) |
| ☐ | ☐ | 2. Buildings which are single story or an elevator provided on the entry level for access to all other levels in which instruction is given? |
| ☐ | ☐ | 3. Toilet stalls, at least one each for males and females, which are both wide enough for wheelchairs and equipped with grab bars? |
| ☐ | ☐ | 4. Doors with clear openings of at least 32 inches when open, to at least 50% of all classrooms, the primary entrance, and at least one bathroom for each sex? |
| ☐ | ☐ | 5. Simultaneous visual* and audible warning signals for use in case of fire? |

*A visual warning signal may be a sign which flashes on and off to indicate a fire.

b. Does this school campus have any buildings or facilities that have been constructed or altered, since August 1, 1968, in whole or in part using Federal financial assistance? (You may have to check with the appropriate person at the system level to secure this information.)

☐ Yes ☐ No

c. How many pupils at this school campus are handicapped to the extent they need special accommodations (whether or not they are participating in a special education program)?

_____ pupils

School Campus: _____

Page 2 of 9

School System: _____

- 8a. How many physically or mentally handicapped pupils who attend this school campus require transportation to get to school because of their handicapping condition? _____

pupils

Note: If the answer is "0", go to question 9.

- b. How many of these handicapped pupils, reported in item a., receive transportation to this school campus, subsidized fully or partially at city, county, state or other public expense for the explicit purpose of school attendance? _____

pupils

Note: If the answer is "0", go to question 9.

- b1. Can the transportation, which is provided, accommodate persons confined to wheelchairs? ☐ Yes ☐ No

9. How many pupils are currently transported to this school at public expense (i.e., subsidized fully or partially at city, county, state or other public expense) for the explicit purpose of school attendance? (This figure should reflect all pupils currently transported, including those reported in question 8b.) _____

pupils

- 10a. How many pupils in grades 6-9 (or the equivalent ungraded span) are enrolled in a home economics course? _____

male

female

- b. How many pupils in grades 6-9 (or the equivalent ungraded span) are enrolled in an industrial arts course? _____

male

female

- c. How many of the pupils, cited in 10a. or 10b. above, are enrolled in either home economics or industrial arts classes/courses which are intended for or limited to pupils of one sex? _____

male

female

- 11 a. How many pupils in grades 7-12 (or their equivalent ungraded span) are enrolled in the highest level mathematics course offered at this school? (Include all sections of the highest level course.) _____

male

female

Specify name of course or program _____

- b. How many pupils in grades 7-12 (or their equivalent ungraded span) are enrolled in the highest level natural science* course offered at this school? (Include all sections of the highest level course.) _____

male

female

Specify name of course or program _____

*Natural science courses are those courses organized for carrying on learning experiences concerned with knowledge of the physical and biological world, and of the processes of discovering and validating this knowledge. (Examples: biology, microbiology, physics, biophysics, chemistry, geology, organic chemistry, etc.)

INSTRUCTIONS:

- Please complete the chart below for the 1976-77 school year, unless otherwise indicated.
- Please read definitions of racial/ethnic categories before you begin.
- Where indicated, provide information by sex as well as racial/ethnic category. If data is unavailable by sex you may enter information for the total by racial/ethnic category in the row labeled "Total". If you provide the data by sex, you do not have to complete the "Total" row. A breakdown by sex will be required in the future.
- If the answer for a given item is "none" or if all elements of a matrix are "0", enter "0" in the appropriate space or in the total column only, in the case of a matrix. If a particular item is not applicable in your case, enter "N/A" (not applicable) in the appropriate space or in the total column of a matrix.
- Do not use percentages, average daily attendance, average daily membership, or year-end enrollment.

DEFINITIONS:

Racial/Ethnic Categories: Racial/ethnic designations, as used by the U.S. Department of Health, Education, and Welfare, Office for Civil Rights, do NOT denote scientific definitions of anthropological origins. For the purpose of this report, a pupil may be included in the group to which he or she appears to belong, identifies with, or is regarded in the community as belonging to. However, no person should be counted in more than one racial/ethnic category.

- (1) American Indian or Alaskan Native. A person having origins in any of the original peoples of North America.
- (2) Asian or Pacific Islander. A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa.
- (3) Black, not of Hispanic Origin. A person having origins in any of the Black racial groups of Africa.
- (4) White, not of Hispanic Origin. A person having origins in any of the original peoples of Europe, North Africa, the Middle East, or the Indian subcontinent.
- (5) Hispanic. A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin - regardless of race.

	Male, Female or Total	Col. 1	Col. 2	Col. 3		Col. 4	Col. 5	Col. 6
		American Indian or Alaskan Native	Asian or Pacific Islander	Not of Hispanic Origin		Black	White	Hispanic
12. What was the total pupil membership in this school on or about January 7, 1977?	Male							
	Female							
13. How many pupils dropped out of, or discontinued, school during the 1975-1976 school year? (Enter those pupils who left the school without completing the designated program of studies or without transferring to another school.)	Male							
	Female							
	Total							

CONTINUED ON PAGE 3

School Campus: _____

Page 3 of 9

School System: _____

	Male, Female or Total	Col. 1 American Indian or Alaskan Native	Col. 2 Asian or Pacific Islander	Col. 3 Not of Hispanic Origin Black	Col. 4 White	Col. 5 Hispanic	Col. 6 Total
14. How many pupils received a high school diploma or its equivalent from this school in 1975-76? ☐ Check, if this school does not award high school diplomas or their equivalents, and go on to question 15.	Male Female Total						
15. How many pupils in this school have a primary or home language other than English, which those pupils use or speak exclusively or which those pupils use or speak more often than English?	Total						
16. How many pupils, reported in question 15. above, are enrolled in an English-as-a-Second-Language program, or any class taught in a language other than English (for example, a science class taught in Spanish)? Do not count pupils enrolled in a class to learn a foreign language.	Total						
17. Student Discipline: a. Were any students suspended or expelled from this school during the 1975-1976 school year? (Check the appropriate answer.) ☐ YES - Complete items b through i below. ☐ NO - Complete items g, h, and i, below.							
b. How many pupils were suspended once and only once during the 1975-1976 school year? (Do not count pupils who were suspended for less than one school day.)	Male Female Total						
c. Of those suspended once and only once (as reported in item b) how many pupils were suspended for: (1) 1-3 consecutive days (2) 4-10 consecutive days (3) 11 or more consecutive days.	Total Total Total						
<i>Note: The total number, (add row 1+2+3) in question 17c for each column should equal the total number of students in that same column in question 17b since you are reporting for the same students.</i>							
d. How many pupils were suspended more than once during the 1975-76 school year? (Count each pupil only once regardless of the number of times suspended. In determining pupils to be reported in this item, do not consider suspensions for less than one school day, i.e., pupils reported should have been suspended more than once and at least two of their suspensions have been for at least one school day.)	Male Female Total						
e. For the pupils suspended more than once (reported in item d) how many of their suspensions were for: (1) 1-3 consecutive days (2) 4-10 consecutive days (3) 11 or more consecutive days.	Total Total Total						
<i>Note: Since data is required for the total number of suspensions in this question, each pupil suspended "more than once" must have had at least 2 suspensions (some may have had more). Therefore, the total number of suspensions (add row 1+2+3) for each column in question 17e must equal at least two times the total number of pupils suspended more than once as reported in that same column in question 17d.</i>							
f. How many pupils were expelled during the 1975-1976 school year?	Male Female Total						
g. How many pupils received corporal punishment administered by a principal or his/her designee as a formal disciplinary measure during the 1975-76 school year?	Male Female Total						
h. How many pupils were referred for disciplinary action to the court or juvenile authorities during the 1975-76 school year?	Male Female Total						
i. How many pupils were referred to alternative education programs as a formal disciplinary measure during the 1975-76 school year?	Male Female Total						

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Refer to the definition of Special Education Programs in question 5 on page 1, before answering the following question.

18. Are any Special Education Programs operated at this school campus? (Check the appropriate answer.)

☐ YES - If "YES", complete questions 19 and 20.

☐ NO - If "NO", go to question 21.

19. SPECIAL EDUCATION PROGRAMS:

INSTRUCTIONS: After you read the following instructions and definitions, please complete the chart on page 5.

• Count pupils participating in Special Education Programs operated at this school campus only.

Report Pupils by Racial/Ethnic Group and Sex (Columns 1-8):

• In Columns 1 through 5, report the number of pupils by racial/ethnic group. Count pupils only once in lines (a)-(j), only in the program in which they spend the most time.

• Columns 7 and 8 request data by sex for the total as reported in Column 5. Columns 7 + 8 should equal Column 6.

Report Pupils by Amount of Time Spent in Special Education Programs (Columns 9-11):

• For each of lines (a)-(j), report in columns 9, 10, 11, the total number of pupils (from Col. 6) by the total amount of time (excluding lunch and recess) each of them spends in all Special Education Programs in which they participate. Count pupils only once in Cols. 9-11 (the total of Columns 9 + 10 + 11 should equal Col. 6).

• Example: If John Doe spends 10 hours per week in a program for the Educable Mentally Retarded and 5 hours per week in a program for the Orthopedically Handicapped, he would be reported in line (a) in the appropriate racial/ethnic category (since he spends most of his time in a program for EMR). Also, because he spends a total of 15 hours per week in all special education programs in which he participates (out of a total of 25 hours per week in school), he would then be counted once under Column 10 of line "a".

• If there are no pupils in a category, enter "0" in the total column. Do not leave any blank spaces.

Definitions of Special Education Categories (Taken from the USOE/NCES—"Student/Pupil Accounting: Standard Terminology and Guide for Managing Student Data in Elementary and Secondary Schools, Community and Junior Colleges, Adult Education"):

Educable Mentally Retarded (or Handicapped). Mentally retarded pupils who are educable in the academic, social, and occupational areas even though moderate supervision may be necessary.

Trainable Mentally Retarded (or Handicapped). Mentally retarded pupils who are capable of only very limited meaningful achievement in the traditional basic academic skills but who are capable of profiting from programs of training in self-care and simple job or vocational skills.

Seriously Emotionally Disturbed. Pupils who have been identified by professionally qualified personnel as having an emotional handicap of such a nature and severity as to require one or more special services, particularly with reference to their education, whether or not such services are available. These services - for conditions such as autism and schizophrenia or other psychotic conditions - include but are not limited to institutional care, other professional treatment or care, and instruction in special classes for exceptional pupils on a full or part time basis.

Specific Learning Disabled. Pupils who have learning dysfunctions that limit their ability to learn or function in a regular educational program. These pupils exhibit disorders in one or more of the basic processes involved in understanding or using spoken or written language. These may be manifested in disorders of listening, talking, and the cognitive processes involved in reading, writing, spelling, or arithmetic. This includes conditions that have been referred to as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, developmental aphasia, etc. This term does not include pupils who have learning problems that are primarily the result of visual, hearing, or motor handicaps; mental retardation; emotional disturbance; or environmental disadvantage.

Speech Impaired. Pupils who have a severe impairment in emitting sounds, words, or phrases—including extreme difficulties such as stuttering, voice disorders, and receptive or expressive oral language disorders—that adversely affects the performance of a pupil in the regular school program. This is not to be confused with a language (or communications) difficulty arising from lack of experience with the language of instruction. Speech difficulties expected to disappear with the child's normal development are not included here.

Orthopedically Handicapped (Crippled). Pupils who have an orthopedic condition of a type that might restrict normal opportunity for education or self-support. This term is generally considered to include pupils who have impairments caused by congenital anomaly (e.g., clubfoot, absence of some limb, etc.), impairments caused by disease (e.g., poliomyelitis, bone

tuberculosis, encephalitis, and other neurological involvement that may result in conditions such as cerebral palsy or epilepsy, etc.), and impairments caused by accident (e.g., fractures or burns that cause contractures, etc.).

Blind or Visually Impaired. Blind pupils are those who are sightless or have severely impaired vision, according to the applicable legal definition. Blindness is commonly defined in ophthalmological terms as follows: Having central visual acuity of 20/200 or less in the better eye with correcting glasses; or having a field defect in which the peripheral field is restricted to such an extent that the widest diameter of the visual field subtends an angular distance no greater than 20 degrees. Visually impaired is usually defined according to the Snellen scale as having better than 20/200 central visual acuity in the better eye after correction but with a progressive eye difficulty or with a serious limitation in one or more other visual functions. In most cases, pupils having between 20/70 and 20/200 central visual acuity are considered to have a serious visual limitation and to require a special educational program.

Deaf or Hard of Hearing. Deaf pupils are those in whom the sense of hearing is nonfunctional for the purposes of life (inability to hear connected language with or without the use of amplification). This general group is made up of congenitally deaf and adventitiously deaf. Hard of hearing pupils are those in whom the sense of hearing, although defective, is functional with or without a hearing aid. The hearing loss is generally of a nature and severity as to require one or more special educational services.

Other Health Impaired. Pupils who are handicapped in their educational progress because of limited strength, vitality, and alertness due to chronic health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, diabetes, or other illness.

Multihandicapped. Pupils who have more than one handicapping condition (i.e., Deaf-blind, Retarded-blind, Retarded-deaf, Retarded-orthopedic, Seriously emotionally disturbed - other special condition).

Gifted or Talented. Pupils identified by professionally qualified personnel as being advanced in their mental development and/or capable of high performance in one or more areas of special competence. Among these areas of special competence are creativity, leadership ability and social adeptness, and facility in the productive and performing arts. (Do not report pupils in honors, advanced placement or other enrichment programs for the gifted or talented that are not special education programs.)

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19. Special Education Programs <i>Count pupils only once, in lines a-i in the program in which they spend the most time. Report the number of pupils participating in special education programs (at this school campus) designed for:</i>	Pupils Participating in Special Education By Racial/Ethnic Group and Sex								Pupils By Total Amount of Time (Excluding Lunch and Recess) Spent in All Special Education Programs in Which They Participate		
	Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8	Col. 9	Col. 10	Col. 11
	American Indian or Alaskan Native	Asian or Pacific Islander	Not of Hispanic Origin		Hispanic	Total	Total Male	Total Female	Less Than 10 Hours Per Week	10 Hours or More Per Week But Less Than Full- Time	Full-Time
(a) Educable Mentally Retarded											
(b) Trainable Mentally Retarded											
(c) Seriously Emotionally Disturbed											
(d) Specific Learning Disabled											
(e) Speech Impaired											
(f) Orthopedically Handicapped											
(g) Blind or Visually Impaired											
(h) Deaf or Hard of Hearing											
(i) Other Health Impaired											
(j) Multihandicapped											
(k) Total of lines (a) through (j)											
(l) Gifted or Talented											

20. Report the number of teachers assigned full-time or part-time to teach each of the special education programs listed. A teacher may be counted more than once (in the part-time column) if that teacher is assigned to more than one program.

	Number of Teachers Assigned	
	Full-Time	Part-Time
(a) Educable Mentally Retarded		
(b) Trainable Mentally Retarded		
(c) Seriously Emotionally Disturbed		
(d) Specific Learning Disabled		
(e) Speech Impaired		
(f) Orthopedically Handicapped		
(g) Blind or Visually Impaired		
(h) Deaf or Hard of Hearing		
(i) Other Health Impaired		
(j) Multihandicapped		
(k) Gifted or Talented		

21. If this school campus has no special education program for the *gifted or talented*, report the number of pupils in honors, advanced placement or other enrichment programs.

No. of Pupils

American Indian or Alaskan Native _____
 Asian or Pacific Islander _____
 Black, not of Hispanic Origin _____
 White, not of Hispanic Origin _____
 Hispanic _____

22. PUPIL ASSIGNMENT

The following question represents a new way of securing data on pupil assignment within schools. While it may appear longer and more involved, if you read through the instructions carefully you will see that this method is easier than similar questions previously used and actually reduces the amount of work required by you or your staff.

This section of the questionnaire is designed to collect data on the number of students assigned to a selected group of 18 classes or instructional groupings. There are two methods for selecting the 18 classes to be included. Both methods are based on a list of teacher names. Question 22a. will direct you to the selection method (given in 22b. or 22c.) appropriate for your school. In no case will it be necessary to collect data on more than 18 classes.

After selecting the 18 classes you will be requested to complete the chart on page 9. Instructions for reporting the selected classroom data are given in 22d. Please read all definitions and instructions carefully.

DEFINITIONS

Full-time classroom teachers - staff persons who are considered by your school to be employed full-time for the purpose of instructing pupils (regardless of the subject area they teach).

Class or Instructional Grouping - is a group of pupils assigned to one or more teachers for a given period of time for instruction in a situation where the teacher(s) and the pupils are in the presence of each other.

Self-contained class - a class or instructional grouping which has the same teacher or team of teachers for all or most of the daily session.

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22.a. Please put an 'X' in the appropriate box

The number of full-time classroom teachers at this school is:

- (1) 18 or less ☐
(2) 19 or more ☐

If you checked box (1) 18 or less, use Selection Method A given in 22b.

If you checked box (2) 19 or more, use Selection Method B given in 22c.

22.b. Selection Method A

This selection method is for schools with 18 or less full time classroom teachers. (If your school has 19 or more teachers, go to Selection Method B in 22c.) The instructions are presented with examples. Please answer all questions contained in the instructions.

INSTRUCTIONS	EXAMPLES																																																												
STEP 1 Teacher name list Take an alphabetical list of all full-time classroom teachers at this school on or about January 7, 1977. (If such a list is not available construct one or use some other available non-alphabetical list of teachers such as a payroll list.) Save a copy of this list for your records. This list will be referred to as the teacher name list. a. Is teacher name list alphabetical? ☐ Yes ☐ No b. How many full-time classroom teachers are at this school? (Count number of names in teacher name list.) _____ Teachers	STEP 1 Teacher name list <table border="0"> <tr> <td>William Atmore</td> <td>Lloyd King</td> <td>Mary Taylor</td> </tr> <tr> <td>Lillian Chism</td> <td>Cindy Pound</td> <td>Marjone Team</td> </tr> <tr> <td>Brenda Farley</td> <td>Linda Raymond</td> <td>Elizabeth Woods</td> </tr> <tr> <td>William Jones</td> <td>Robert Smith</td> <td></td> </tr> </table> a. Is teacher name list alphabetical? ☒ Yes ☐ No b. How many full time classroom teachers are at this school? (Count number of names in teacher name list.) 11 Teachers	William Atmore	Lloyd King	Mary Taylor	Lillian Chism	Cindy Pound	Marjone Team	Brenda Farley	Linda Raymond	Elizabeth Woods	William Jones	Robert Smith																																																	
William Atmore	Lloyd King	Mary Taylor																																																											
Lillian Chism	Cindy Pound	Marjone Team																																																											
Brenda Farley	Linda Raymond	Elizabeth Woods																																																											
William Jones	Robert Smith																																																												
STEP 2 Enter teachers' initials in Pupil Assignment Table* Starting from the top of the teacher name list enter the first teacher's initials on line 1 of the pupil assignment table given on page 9. Enter the initials of the next teacher on line 2 of the pupil assignment table. Continue this process until you reach the end of the name list. If two or more teachers have the same initials, place the number 1, 2 etc. next to their initials on the table to indicate the order in which they appear on the teacher name list. <u>All 18 lines on the table must be filled.</u> If you have less than 18 teachers and reach the end of the teacher name list before all lines of the table have been filled go back to the top of the teacher name list and continue the process. *If you prefer, you may enter some type of teacher identification number in the table instead of initials; however, keep a record of which teacher's number you are entering on each line of the table.	STEP 2 Enter teachers' initials in Pupil Assignment Table 22. Pupil Assignment Table (Instructions begin on page 9) PUPIL COPY <table border="1"> <thead> <tr> <th>TEACHER (Initials or Identifying Number Only)</th> <th>Col. 2 CLASS</th> <th>Col. 3 GRADE</th> <th>Col. 4 SUBJECT CODE</th> <th>Col. 5 SEX</th> </tr> </thead> <tbody> <tr> <td>1. W. A.</td> <td>FIRST</td> <td></td> <td></td> <td>MALE</td> </tr> <tr> <td>2. L. C.</td> <td>FIRST</td> <td></td> <td></td> <td>FEMALE</td> </tr> <tr> <td>3. B. F.</td> <td>FIRST</td> <td></td> <td></td> <td>MALE</td> </tr> <tr> <td>4. W. J.</td> <td>MIDDLE</td> <td></td> <td></td> <td>FEMALE</td> </tr> <tr> <td>...</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>11. E. W.</td> <td>FIRST</td> <td></td> <td></td> <td>MALE</td> </tr> <tr> <td>12. W. A.</td> <td>FIRST</td> <td></td> <td></td> <td>FEMALE</td> </tr> <tr> <td>13. L. C.</td> <td>MIDDLE</td> <td></td> <td></td> <td>MALE</td> </tr> <tr> <td>...</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>17. C. P.</td> <td>LAST</td> <td></td> <td></td> <td>MALE</td> </tr> <tr> <td>18. L. R.</td> <td>LAST</td> <td></td> <td></td> <td>FEMALE</td> </tr> </tbody> </table>	TEACHER (Initials or Identifying Number Only)	Col. 2 CLASS	Col. 3 GRADE	Col. 4 SUBJECT CODE	Col. 5 SEX	1. W. A.	FIRST			MALE	2. L. C.	FIRST			FEMALE	3. B. F.	FIRST			MALE	4. W. J.	MIDDLE			FEMALE	...					11. E. W.	FIRST			MALE	12. W. A.	FIRST			FEMALE	13. L. C.	MIDDLE			MALE	...					17. C. P.	LAST			MALE	18. L. R.	LAST			FEMALE
TEACHER (Initials or Identifying Number Only)	Col. 2 CLASS	Col. 3 GRADE	Col. 4 SUBJECT CODE	Col. 5 SEX																																																									
1. W. A.	FIRST			MALE																																																									
2. L. C.	FIRST			FEMALE																																																									
3. B. F.	FIRST			MALE																																																									
4. W. J.	MIDDLE			FEMALE																																																									
...																																																													
11. E. W.	FIRST			MALE																																																									
12. W. A.	FIRST			FEMALE																																																									
13. L. C.	MIDDLE			MALE																																																									
...																																																													
17. C. P.	LAST			MALE																																																									
18. L. R.	LAST			FEMALE																																																									
STEP 3 Go to 22d. instructions for completing the Pupil Assignment Table.																																																													

22.c. Selection Method B

This selection method is for schools with 19 or more full time classroom teachers. The instructions are presented with examples. Please answer all questions contained in the instructions.

INSTRUCTIONS	EXAMPLES																								
STEP 1 Teacher name list Take an alphabetical list of all full-time classroom teachers at this school on or about January 7, 1977. (If such a list is not available construct one or use some other available non-alphabetical list of teachers such as a payroll list.) Save a copy of this list for your records. This list will be referred to as the teacher name list. a. Is teacher name list alphabetical? ☐ Yes ☐ No b. How many full-time classroom teachers are at this school? (Count number of names in teachers name list.) _____ Teachers	STEP 1 Teacher name list <table border="0"> <tr> <td>John Adams</td> <td>Brenda Farley</td> <td>Gary Nathan</td> </tr> <tr> <td>James Andrews</td> <td>Ronald Green</td> <td>George O'Connor</td> </tr> <tr> <td>William Atmore</td> <td>Nancy Heart</td> <td>Cindy Polanski</td> </tr> <tr> <td>Mary Baker</td> <td>William Jones</td> <td>Dolores Rodriguez</td> </tr> <tr> <td>Robert Chang</td> <td>Mary Kane</td> <td>Linda Russo</td> </tr> <tr> <td>Lillian Chism</td> <td>Lloyd King</td> <td>Diane Steinberg</td> </tr> <tr> <td>Anita Danzig</td> <td>John Landon</td> <td>John Washington</td> </tr> <tr> <td>Barbara Edwards</td> <td>Christine Martin</td> <td></td> </tr> </table> a. Is teacher name list alphabetical? ☒ Yes ☐ No b. How many full time classroom teachers are at this school? (Count number of names in teacher name list.) 23 Teachers	John Adams	Brenda Farley	Gary Nathan	James Andrews	Ronald Green	George O'Connor	William Atmore	Nancy Heart	Cindy Polanski	Mary Baker	William Jones	Dolores Rodriguez	Robert Chang	Mary Kane	Linda Russo	Lillian Chism	Lloyd King	Diane Steinberg	Anita Danzig	John Landon	John Washington	Barbara Edwards	Christine Martin	
John Adams	Brenda Farley	Gary Nathan																							
James Andrews	Ronald Green	George O'Connor																							
William Atmore	Nancy Heart	Cindy Polanski																							
Mary Baker	William Jones	Dolores Rodriguez																							
Robert Chang	Mary Kane	Linda Russo																							
Lillian Chism	Lloyd King	Diane Steinberg																							
Anita Danzig	John Landon	John Washington																							
Barbara Edwards	Christine Martin																								

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22.c. Selection Method B - Cont.

STEP 2 Selection Number

Take the number of full-time classroom teachers (as reported in STEP 1) and find the selection number in the chart below.

a. Enter the selection number found in chart Selection
Number

STEP 2 Selection Number

Find selection number in chart

Number of Teachers 23

Selection Number 3

a. Enter the selection number found in chart Selection
Number

Number of Teachers	19-50 except →	21, 24, 27 33, 36, 39 42, and 48	51-75 except →	55, 60, 65, and 75	76-100 except →	77, 84, 91, and 98	101-150 except →	108, 117, 126 135, and 144	151-200 except →	154, 165, 176, 187, and 198	201 + except →	all numbers greater than 201 which are exactly divi- sible by 15
Selection Number	3	3	3	7	7	8	9	10	11	12	15	16

INSTRUCTIONS

STEP 3 Enter teachers' initials in Pupil Assignment Table*

Start from the top of the teacher name list and count teacher names until the selection number is reached. Enter that teacher's initials on line 1 of the pupil assignment table. Be sure to keep a record of which teacher's initials you are entering on each line of the pupil assignment table.

Then, starting with the next teacher, begin counting from 1 and continue until the selection number is again reached. Enter this teacher's initials on line 2 of the pupil assignment table.

If two or more teachers have the same initials, place the number 1, 2, etc., next to their initials on the table, to indicate in which order they appear on the teacher name list.

Continue this process until the end of the teacher name list is reached. At this point continue counting by going back to the top of the teacher name list. When you again reach the selection number, add that teacher's initials to the list. See Example. A teacher's initials should be entered in the pupil assignment table as many times as that teacher is selected. Continue this process until all lines of the pupil assignment table have been filled.

*If you prefer, you may enter some type of teacher identification number in the table instead of initials; however, keep a record of which teacher's number you are entering on each line of the table.

STEP 4 Go to 22d. instructions for completing the Pupil Assignment Table.

EXAMPLES

STEP 3 Enter teachers' initials in Pupil Assignment Table

Count	Teacher's Name
1	John Adams
2	James Andrews
3	William Atmore (Enter initials "W.A." in line 1 of table)
1	Mary Baker
2	Robert Chang
3	Lillian Chism (Enter initials "L.C." in line 2 of table)
1	Anita Danzig
2	Barbara Edwards
3	Brenda Farley (Enter initials "B.F." in line 3 of table)
1	Ronald Green
2	Nancy Heart
3	William Jones (Enter initials "W.J." in line 4 of table)
1	Mary Kane
2	Lloyd King
3	John Landon (Enter initials "J.L." in line 5 of table)
1	Christine Martin
2	Gary Nathan
3	George O'Connor (Enter initials "G.O." in line 6 of table)
1	Cindy Polanski
2	Dolores Rodriguez
3	Linda Russo (Enter initials "L.R." in line 7 of table)
1	Diane Steinberg
2	John Washington

END OF LIST, CONTINUE COUNTING

3	John Adams (Enter initials "J.A.-1" in line 8 of table)
1	James Andrews
2	William Atmore
3	Mary Baker (Enter initials "M.B." in line 9 of table)
1	Robert Chang
2	Lillian Chism
3	Anita Danzig (Enter initials "A.D." in line 10 of table)
1	Barbara Edwards
2	Brenda Farley
3	Ronald Green (Enter initials "R.G." in line 11 of table)
1	Nancy Heart
2	William Jones
3	Mary Kane (Enter initials "M.K." in line 12 of table)
1	Lloyd King
2	John Landon
3	Christine Martin (Enter initials "C.M." in line 13 of table)
1	Gary Nathan
2	George O'Connor
3	Cindy Polanski (Enter initials "C.P." in line 14 of table)
1	Dolores Rodriguez
2	Linda Russo
3	Diane Steinberg (Enter initials "D.S." in line 15 of table)
1	John Washington

END OF LIST, CONTINUE COUNTING

2	John Adams
3	James Andrews (Enter initials "J.A.-2" in line 16 of table)
1	William Atmore

• •
• •
• •

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22.d. Instructions for Completing Pupil Assignment Table

At this point you should have a teacher, identified by initials or a number, entered into each line of the Pupil Assignment Table. If you do not, go back to the Selection Method appropriate for your school and read the instructions again. You will be reporting information on the pupils in the class or instructional grouping (not homeroom, study hall, etc.) taught by the teacher whose initials were entered in the pupil assignment table.

Step 1 - Class

On this table there is a column labeled CLASS (column 2) that contains the word FIRST, MIDDLE or LAST. This refers to a teacher's first, middle or last instructional grouping of the day. For each teacher in the table, determine the instructional grouping of interest as indicated by the word first, middle or last. In the example, Atmore's initials are on line 1 which requests information on his first instructional grouping of the day. If there are two possible middles, enter the earlier, e.g., 4 classes, enter 2nd class. If a teacher has only one instructional grouping during the day (for example, self-contained, elementary classes), enter information for that grouping regardless of whether table says first, middle or last. If a teacher has different instructional groupings depending on the day of the week, enter information for Monday. For each line of the table, enter the information for the instructional grouping specified as instructed in steps 2-4.

Step 2 - Grade

In column 3, enter the grade or grade span of the pupils in the specific class being reported. If the class is ungraded, enter the equivalent grade level or age span.

Step 3 - Subject Code

In column 4, enter the subject code number as determined from the Subject Code List below. Enter the code for the subject area that most closely resembles the material being taught.

Step 4 - Pupil Enrollment by Race and Sex

In columns 5-10, enter the number of pupils, in the designated class, by racial/ethnic category and sex.

If any class, for which pupil enrollment data are being reported, is exactly the same as a class previously reported (i.e., no change in teacher, designated class, grade, and subject matter), enter the words "Same as line ---" in columns 5-10 of the line corresponding to the repeated class and reference the previous line of the table which contains the same data.

IF YOU ENCOUNTER ANY DIFFICULTY IN DETERMINING HOW A PARTICULAR CLASS SITUATION FITS WITHIN THE INSTRUCTIONS PROVIDED, OR IF YOU DO NOT UNDERSTAND A PARTICULAR STEP OF THE INSTRUCTIONS, PLEASE CALL THE SURVEY MANAGER FOR ASSISTANCE, (202) 347-3755.

EXAMPLE - Completing Pupil Assignment Table:

22. Pupil Assignment Table (Instructions begin on page 5) PUPIL COMPOSITION OF CLASS OR INSTRUCTIONAL GROUPING										
TEACHER (Initials or Identifying Number Only)	Col. 2	Col. 3	Col. 4	SEX	Col. 5 American Indian or Alaskan Native	Col. 6 Asian or Pacific Islander	Col. 7 Total of Hispanic Origin		Col. 9 Hispanic	Col. 10 Total
	CLASS	GRADE	SUBJECT CODE				Black	White		
1. W. A.	FIRST	7	05	MALE	1	0	0	10	1	12
				FEMALE	0	0	0	0	1	1
2. L. C.	FIRST	7-8	06	MALE	0	0	0	15	3	20
				FEMALE	0	0	0	4	7	11
3. B. P.	FIRST	8	03	MALE	0	0	0	7	6	13
				FEMALE	1	0	0	3	1	11
4. W. J.	MIDDLE	5-6	13	MALE	1	0	0	4	1	6
				FEMALE	1	0	0	4	2	7

Subject Code List

- 01 Art
- 02 Elementary Education (General, Self-contained)
- 03 English Language Arts
- 04 Foreign Language
- 05 Health/Physical Education
- 06 Home Economics
- 07 Industrial Arts
- 08 Mathematics
- 09 Music
- 10 Natural Sciences
- 11 Office Occupation or Business
- 12 Other
- 13 Other Vocational Education
- 14 Social Studies/Social Science
- 15 Special Education
- 16 Title I Reading or Other Reading Class

School Campus: _____

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School System: _____

Pupil Assignment Table--(Instructions begin on page 5) PUPIL COMPOSITION OF CLASS OR INSTRUCTIONAL GROUPING.											
TEACHER (Initials or Identifying Number Only)	Col. 2	Col. 3	Col. 4	SEX	Col. 5	Col. 6	Col. 7		Col. 8	Col. 9	Col. 10
	CLASS	GRADE	SUBJECT CODE		American Indian or Alaskan Native	Asian or Pacific Islander	Not of Hispanic Origin		Hispanic	Total	
							Black	White			
1.	FIRST			MALE							
				FEMALE							
2.	FIRST			MALE							
				FEMALE							
3.	FIRST			MALE							
				FEMALE							
4.	MIDDLE			MALE							
				FEMALE							
5.	MIDDLE			MALE							
				FEMALE							
6.	MIDDLE			MALE							
				FEMALE							
7.	LAST			MALE							
				FEMALE							
8.	LAST			MALE							
				FEMALE							
9.	LAST			MALE							
				FEMALE							
10.	FIRST			MALE							
				FEMALE							
11.	FIRST			MALE							
				FEMALE							
12.	FIRST			MALE							
				FEMALE							
13.	MIDDLE			MALE							
				FEMALE							
14.	MIDDLE			MALE							
				FEMALE							
15.	MIDDLE			MALE							
				FEMALE							
16.	LAST			MALE							
				FEMALE							
17.	LAST			MALE							
				FEMALE							
18.	LAST			MALE							
				FEMALE							

To assure the submission of correct Title VI, Title IX, and Section 504 compliance data, please check the completeness and accuracy of each item reported. Errors or omissions may require a re-filing of this form.

CERTIFICATION: I certify that the information given above is true and correct to the best of my knowledge and belief. (A willfully false statement is punishable by law [U.S. Code, Title 18, Section 1001].)

Signature of Person Furnishing Information

Title

(Area Code) Telephone Number

Date Signed

APPENDIX C

CHART 1:

ELEMENTARY AND SECONDARY SCHOOL CIVIL RIGHTS SURVEYS CONDUCTED

<u>School Year</u>	<u>Title of Survey</u>	<u>Date Due</u>	<u>Number of Districts Surveyed</u>	<u>Criteria Used to Select Districts To Survey</u>	<u>Survey Sample</u>	<u>Results Published</u>
1967-68	"Report on Enrollment and Staff"	10/31/67	5,000	Southern school districts operating under voluntary school desegregation agreements with HEW or districts needing to submit such plans, and all districts operating under Federal court desegregation orders received forms OE-2247 and OE-2248.	While less than 10% of all U.S. school districts were sampled, 70% of the total U.S. elementary and secondary school enrollment, and 84% of the total Southern school enrollment was covered.	OE's National Center for Educational Statistics, <u>Directory of Public Schools in Large Districts-- Enrollment and Staff, by Race.</u>
1968-69	"Elementary and Secondary School Survey"	10/15/68	8,491	All school districts with 3,000 or more pupils; smaller districts selected in statistically random manner based on district enrollment size; and all districts operating under voluntary desegregation agreements with HEW or under Federal court order-- regardless of size-- received OCR designed 101 and 102 forms.	The districts sampled covered approx. 43.9% of all U.S. public school districts, enrolling approx. 90.8% of the nation's elementary and secondary pupils. The survey data were representative of a larger universe of 11,495 districts, including approx. 59.4% of all U.S. school districts, and approx. 96.8% of the elementary and secondary school enrollment.	OCR, <u>Directory of Public Elementary and Secondary Schools in Selected Districts-- Enrollment and Staff by Racial/Ethnic Group.</u>

<u>School Year</u>	<u>Title of Survey</u>	<u>Date Due</u>	<u>Number of Districts Surveyed</u>	<u>Criteria Used to Select Districts To Survey</u>	<u>Survey Sample</u>	<u>Results Published</u>
1969-70	"Elementary and Secondary School Survey"	12/20/69	Approx. 3,000	Previously surveyed districts having at least one or more schools enrolling 50% or more minority pupils or districts with a total enrollment 10% or more minority; districts under agreement with HEW or Federal court order to desegregate.		No
1970-71	"Elementary and Secondary School Civil Rights Survey"	10/15/70	8,037	All school districts with 3,000 or more pupils; smaller districts selected in a statistically random manner based on size; and all districts undergoing voluntary or court-ordered desegregation--regardless of size--received the 101 and the 102 forms.	The 8,037 districts sampled covered approx. 44.7% of U.S. public school districts enrolling approx. 90.3% of the nation's elementary and secondary pupils. The survey data were representative of a larger universe of 11,799 districts, including approx. 65.6% of all U.S. school districts, and approx. 97.8% of the elementary and secondary school enrollment.	OCR, <u>Directory of Public Elementary and Secondary Schools in Selected Districts--Enrollment and Staff by Racial/Ethnic Group.</u>

<u>School Year</u>	<u>Title of Survey</u>	<u>Date Due</u>	<u>Number of Districts Surveyed</u>	<u>Criteria Used to Select Districts To Survey</u>	<u>Survey Sample</u>	<u>Results Published</u>
1971-72	"Elementary and Secondary School Civil Rights Survey"	10/15/71	Approx. 3,000	Previously surveyed districts having at least one or more schools enrolling 50% of more minority pupils or districts with a total enrollment 10% or more minority; districts under agreement with HEW or Federal court order to desegregate.	The survey selection represented over 80% of the U.S. elementary and secondary minority student enrollment.	No
1972-73	"Elementary and Secondary School Civil Rights Survey"	10/16/72	Approx. 8,100	All school districts with 3,000 or more pupils; smaller districts selected for inclusion in statistically random manner based on size; all districts under voluntary or court-ordered desegregation plan--regardless of size (1,456, districts were so identified in the Fall 1971 Civil Rights Survey's "special situation districts" file) received the 101 and 102 forms.	The 8,114 districts represent approx. 46% of U.S. public school districts but 72.5% of its school and 91.8% of all elementary and secondary pupils.	OCR, <u>Directory of Public Elementary and Secondary Schools in Selected Districts--Enrollment and Staff by Racial/Ethnic Group.</u>
1973-74	"Elementary and Secondary School Civil Rights Survey"	10/15/73	Approx. 3,000	Previously surveyed school districts having at least one or more schools enrolling 50% or more minority pupils or districts with a total enrollment 10% or more minority; districts under agreement with HEW or Federal court order to desegregate.	The survey selection represented approx. 53% of all elementary and secondary pupils enrolled nationwide and approx. 86% of the U.S. elementary and secondary minority student enrollment.	No

<u>School Year</u>	<u>Title of Survey</u>	<u>Date Due</u>	<u>Number of Districts Surveyed</u>	<u>Criteria Used to Select Districts To Survey</u>	<u>Survey Sample</u>	<u>Results Published</u>
1974-75	"Elementary and Secondary School Civil Rights Survey"	10/15/74	Under 2,800 districts	This survey broke the pattern of previous even-numbered years and was a small survey which included all districts operating under voluntary HEW desegregation plans, court-ordered desegregation plans, or involved in desegregation litigation (about 1,400 districts). The bulk of the remaining districts were selected on the basis of a series of indicators drawn from the 1972-73 forms thought to show districts of special compliance interest (for example, those with high disparities in suspension rates between races). An additional few hundred districts were included at random to allow full universe projections.	The 3,000 districts surveyed enrolled approx. 59% of all students nationwide; approx. 62% of all American Indian, 93% of all Black, 76% of Asian-American and 79% of all Spanish-surnamed American pupils.	No
1975-76	Survey cancelled, but OCR instructed districts to maintain data for the 1975-76 school year, even though no actual 1975 report would have to be filed. Districts were informed that additional information on sex and handicap would be collected in the 1976-77 Survey and suggestions were solicited as to appropriate survey questions.					

<u>School Year</u>	<u>Title of Survey</u>	<u>Date Due</u>	<u>Number of Districts Surveyed</u>	<u>Criteria Used to Select Districts To Survey</u>	<u>Survey Sample</u>	<u>Results Published</u>
1976-77	"Elementary and Secondary School Civil Rights Survey"	4/30/77	16,000-- school system summary forms 3,600-- individual campus forms	The survey has two separate sections. All school districts receiving federal funds (just under 16,000 districts) are to fill out the 101 form which contains about one page of count data by race and sex, and several yes/no or count questions on sex and handicap discrimination. About 3,600 districts have been selected to fill out the 102 forms for each school in the district, in addition to the single 101 form. These districts were selected by a process similar to that used in the 1974-75 selection, which weights various indicators of Title VI compliance interest. HEW and Court supervised districts were again included, as were a few hundred districts selected at random.	Almost the entire U.S. elementary and secondary school pupil enrollment.	Results will be published.

CHART 2:

ELEMENTARY AND SECONDARY SCHOOL CIVIL RIGHTS SURVEYS-RACIAL/ETHNIC CATEGORIES USED

	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1976</u> ^{1/}
White	x								x (not of Hispanic origin)
Negro	x	x	x	x	x	x	x "Black"	x "Black American"	x "Black" (not of Hispanic origin)
American Indian		x	x	x	x	x	x	x	x (combined with Alaskan Native)
Oriental		x	x	x	x	x	x	x	x "Asian American" (combined with Pacific-Islander)
Spanish-Surnamed American		x	x	x	x	x	x	x	x "Hispanic"
Alaskan Native									x (combined with American Indian)
Pacific Islander									x (combined with Asian)
Other ^{2/}	x		x	x	x	x	x	x	

^{1/} These are categories recommended by the Federal Interagency Committee on Education (FICE) and ordered into effect by the Office of Management and Budget in OMB Circular A-46, Exhibit K.

^{2/} 1967 was the only year in which "other" meant "any racial or national-origin group which is recognized as a significant 'minority group' in the community." In all other years in which "other" was included as a category, it meant "all individuals not included above."

APPENDIX D

CHART 1: SCHOOL SYSTEM SUMMARY REPORT (OS/CR 101)--PUPIL ENROLLMENT DATA REQUESTED

	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1976</u>
Pupil enrollment:	R	R-E	R-E	R-E	R-E	R-E	R-E	R-E	R-E, S
Nonresident students enrolled:			T	T	T	T	R-E	R-E	
Resident students enrolled:			T	T	T	T	R-E	R-E	
Resident school-age children enrolled in another public school system (estimate):			T	T	R-E	R-E	R-E	R-E	
Resident school-age children enrolled in non-public schools (estimate):			T	T	R-E	R-E	R-E	R-E	
Resident school-age children not in school (estimate):			T	T	R-E	R-E	R-E		
Number of pupils who dropped out of this school system during the previous year:								R-E	

Key to Code (indicating breakdowns on survey forms):

- R - by race only, and total
- R-E - by race and ethnicity, and total
- S - by sex, and total
- T - only total counts, no breakdowns
- X - only yes/no or other single answer questions
- 0 - optional, answer not required

CHART 2:SCHOOL SYSTEM SUMMARY REPORT (OS/CR 101)--FACULTY DATA REQUESTED

	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u> ^{1/}	<u>1974</u>	<u>1976</u>
Full-time instructional staff:	R		R-E	R-E	R-E	R-F			
Full-time equivalence of part-time instructional staff:	R								
Full-time professional staff assigned to one school campus only:		R-E	R-E	R-E	R-E	R-E			
Full-time professional staff assigned to more than one school campus:		R-E	R-E	R-E	R-E	R-E			
Full-time professional staff (assigned to one or more school campuses):	R	R-E	R-E						
Full-time equivalence of all other professional staff:	R	R-E							
Part-time professional staff:			R-E (0)	R-E (0)	R-E	R-E			

^{1/} EEOC took over responsibility for collecting data on faculty and staff assignments.

Key to Code (indicating breakdowns on survey forms):

- R - by race only, and total
- R-E - by race and ethnicity, and total
- S - by sex, and total
- T - only total counts, no breakdowns
- X - only yes/no or other single answer questions
- O - optional, answer not required

CHART 3:

SCHOOL SYSTEM SUMMARY REPORT (OS/CR 101)--SUSPENSION/EXPULSION DATA REQUESTED

	<u>1967</u>	<u>1968</u>	<u>1979</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1976</u>
Pupils officially expelled from any school in this system during the previous school year:					R-E	R-E	R-E		
Pupils suspended at least once from any school campus in this system during the previous school year:							R-E		
Pupils suspended in this system for at least one day, but not more than twenty days during the previous school year:							R-E		
Pupils suspended for at least one school day, or expelled from any school in this system during the previous school year:									R-E, S
Pupils expelled or suspended for over 20 consecutive school days in this system during the previous school year:							R-E		
Key to Code (indicating breakdowns on survey forms):									
R - by race only, and total	T - only total counts, no breakdowns								
R-E - by race, and ethnicity, and total	X - only yes/no or other single answer questions								
S - by sex, and total	O - optional, answer not required								

CHART 4:

SCHOOL SYSTEM SUMMARY REPORT (OS/CR 101)--SEX DATA REQUESTED

	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1976</u>
Are students of different sexes required to take different courses in order to graduate from this school system?							X	X	X
Does this school system have any individual schools whose enrollment is composed of only one sex? (If yes, give name of such school(s).)								X	

Key to Code (indicating breakdowns on survey forms):

R - by race only, and total
R-E - by race and ethnicity, and total
S - by sex, and total
T - only total counts, no breakdowns
X - only yes/no or other single answer questions
O - optional, answer not required.

CHART 5:

SCHOOL SYSTEM SUMMARY (OS/CR 101)--ABILITY GROUPING DATA REQUESTED

	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1976</u>
How many schools in this system utilize any form of ability grouping of students as part of their regular school program?							T	T	

Key to Code (indicating breakdowns on survey forms):

- R - by race only, and total
- R-E - by race and ethnicity and total
- S - by sex, and total
- T - only total counts, no breakdowns
- X - only yes/no or other single answer questions
- O - optional, answer not required

CHART 6:SCHOOL SYSTEM SUMMARY REPORT (OS/CR 101)--SPECIAL EDUCATION DATA REQUESTED

	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1976</u>
Pupils enrolled in special education programs:							R-E		R-E
Pupils in EMR/EMH classes:							R-E	R-E	R-E
Pupils in TMR/TMH classes:							R-E	R-E	
Pupils in other special education classes:							R-E		
Pupils in programs for gifted/talanted (if school system has no program for gifted/talanted, pupils in honors, advanced placement or other enrichment programs):									R-E
Pupils in programs for emotionally disturbed, socially maladjusted, underachievers and/or slow learners:								R-E	

Key to Code (indicating breakdowns on survey forms):

R - by race only, and total
R-E - by race and ethnicity, and total
S - by sex, and total
T - only total counts, no breakdowns
X - only yes/no or other single answer questions
O - optional, answer not required

School System Summary Report (OS/CR 101)--Special Education Data Required (cont'd)

	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1976</u>
Pupils in programs for specific learning disabilities:								R-E	
Pupils with physical, health, sensory and related handicaps:								R-E	
Resident school-age children identified as currently requiring special education, whether or not they are enrolled in school:									T
Resident pupils participating in a special education program operated cooperatively with one or more other school systems:									T
Resident pupils participating in a special education program operated exclusively by another public school system:									T
Resident pupils participating in a special education program operated by an entity other than a public school system:									T

School System Summary Report (OS/CR 101)--Special Education Data Required (cont'd)

	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1976</u>
Non-resident pupils participating in special education programs operated exclusively by this school system:									T
Resident school-age children out of school since the beginning of this school year because of a handicapping condition who have been receiving home- bound instructions:									T
Resident school-age children who have undergone comprehensive evaluation to determine their need for special education since the beginning of the previous school year:									T
Teachers in this school system assigned to teach special education programs (full and part-time):									T

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CHART 7: SCHOOL SYSTEM SUMMARY REPORT (OS/CR 101)--BILINGUAL DATA REQUESTED

	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1976</u>
Do any of the teachers in this school system teach English as a second language or teach any subject matter (other than foreign language instruction) in any language other than English? If yes:					X	X	X	X	
- Teachers who offer such instruction:					T	T	T	T	
- Pupils who receive it:					T	T	T	T	R-E
- Pupils who receive it who are minority:							T	T	
- Pupils whose primary or home language is other than English who receive it:								T	

Key to Code (indicating breakdowns on survey forms):

- R - by race only, and total
- R-E - by race and ethnicity, and total
- S - by sex, and total
- T - only total counts, no breakdowns
- X - only yes/no or other single answer questions
- O - optional, answer not required

School System Summary Report (OS/CR 101)--Bilingual Instruction Data Requested (cont'd)

	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1976</u>
Are any instructional materials in any subject matter (other than foreign language instruction) written, at least in part, in a language other than English:					X	X	X	X	
Pupils in first grade in this school system whose primary or home language is other than English:							T		
Pupils in this school system whose primary or home language is other than English:								T	R-E

CHART 8:

SCHOOL SYSTEM SUMMARY REPORT (OS/CR 101)--VOCATIONAL EDUCATION DATA REQUESTED

	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1976</u>
Pupils enrolled in vocational education programs operated by this school system:									R-E, S
Secondary schools in this system which administer and/or operate five or more vocational education programs:									T

Key to Code (indicating breakdowns on survey forms):

- R - by race only, and total
- R-E - by race and ethnicity, and total
- S - by sex, and total
- T - only total counts, no breakdowns
- X - only yes/no or other single answer questions
- O - optional, answer not required

CHART 9: SCHOOL SYSTEM SUMMARY REPORT (OS/CR 101)--NEW SCHOOL CONSTRUCTION/SITE ACQUISITION DATA REQUESTED

	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1976</u>
In the next school year, do you expect to acquire any property upon which you anticipate operating one or more schools in the future? If yes, give num- ber of sites likely to be acquired:					X (T)	X (T)			
Schools likely to be operated on these sites:									
In next school year, do you expect to begin construction on any new school buildings? If yes, how many:					T	T	T	T	
In next school year, do you expect to make any permanent additions or renovations which will increase the student capacity of any currently operating school buildings: If yes, how many:					X (T)	X (T)	X (T)	X (T)	

Key to Code (indicating breakdowns on survey forms):

- R - by race only, and total
- R-E -- by race and ethnicity, and total
- S - by sex, and total
- T - only total counts, no breakdowns
- X - only yes/no or other single answer questions
- 0 - optional, answer not required

School System Summary Report (OS/CR 101)--New School Construction/Site Acquisition Data Requested (cont'd)

	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1976</u>
If you expect to acquire any property or begin any new construction, describe the expected racial/ethnic composition for:									
--the school which is expected to have the greatest percent of minority pupils:						X	X	X	
--the school which is expected to have the greatest percent of non-minority pupils:							X	X	
The predominant minority group in the school expected to have the greatest percent minority enrollment will probably be American, Asian, Black, Spanish-surnamed American:							X	X	

APPENDIX E

CHART 1: INDIVIDUAL SCHOOL CAMPUS REPORT (OS/CR 102)--PUPIL ENROLLMENT DATA REQUESTED

	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1976</u>
Pupil enrollment:	R	R-E	R-E	R-E	R-E	R-E		R-E	
Pupils enrolled in 12th grade:				R-E					
Pupils in each grade indicated, if offered at this school (if none of the indicated grades are offered, report for the lowest grade offered and name the grade):					T	T		R-E	
Pupils who dropped out, or discontinued school during the previous school year:									R-E, S
Pupils who received a high school diploma or its equivalent from this school the previous year:									R-E, S

Key to Code (indicating breakdowns on survey forms):

- R - by race only, and total
- R-E - by race and ethnicity, and total
- S - by sex, and total
- T - only total counts, no breakdowns
- X - only yes/no or other single answer questions
- O - optional, answer not required

CHART 2:

INDIVIDUAL SCHOOL CAMPUS REPORT (OS/CR 102)--FACULTY DATA REQUESTED

	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u> ^{1/}	<u>1974</u>	<u>1976</u>
Full-time instructional staff:	R	R-E	R-E	R-E	R-E ^{2/}	R-E ^{2/}			
Full-time equivalence of part-time instructional staff:	R								
Full-time principals:	R	R-E	R-E	R-E	R-E	R-E			
Full-time equivalent of part-time principals:	R								
Full-time, other professional staff:	R	R-E	R-E	R-E	R-E	R-E			
Full-time equivalent of part-time instructional staff:	R								
Full-time assistant principals:		R-E	R-E	R-E	R-E				
Full-time professional instructional staff who joined this school system in the last year:					R-E	R-E			

^{1/} EEOC took over responsibility for collecting data on faculty and staff assignments.

^{2/} By their major assignment.

Key to Code (indicating breakdowns on survey forms):

R - by race only, and total

R-E - by race and ethnicity, and total

S - by sex, and total

T - only total counts, no breakdowns

X - only yes/no or other single answer questions

O - optional, answer not required

Individual School Campus Report (OS/CR 102)---Faculty Data Requested (cont'd)

	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1976</u>
Current vacancies for full-time professional instructional staff:					T	T			
Part-time professional staff:			R-E	R-E	R-E	R-E			

CHART 3: INDIVIDUAL SCHOOL CAMPUS REPORT (OS/CR 102)--RETENTION DATA REQUESTED

	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1976</u>
Pupils retained this school year in the same grade they attended last year:						R-E	R-E	R-E	

Key to Code (indicating breakdowns on survey forms):

- R - by race only, and total
- R-E - by race and ethnicity, and total
- S - by sex, and total
- T - only total counts, no breakdowns
- X - only yes/no or other single answer questions
- O - optional, answer not required

CHART 4: INDIVIDUAL SCHOOL CAMPUS REPORT (OS/CR 102)--SUSPENSION/EXPULSION DATA REQUESTED

	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1976</u>
Pupils suspended at least one day, but not more than twenty consecutive days during the previous school year:								R-E	
Total number of suspension days during the previous school year:								R-E	
Pupils suspended <u>once and only once</u> during the previous school year (of those, how many were suspended for 1-3, 4-10, 11 or more, consecutive days?):									R-E, S
Pupils suspended more than once during the previous school year (of those, how many were suspended for 1-3, 4-10, 11 or more consecutive days?):									R-E, S
Pupils expelled during the previous school year:									R-E, S

Key to Code (indicating breakdowns on survey froms):

R - by race only, and total
R-E - by race and ethnicity, and total
S - by sex, and total
T - only total counts, no breakdowns
X - only yes/no or other single answer questions
O - optional, answer not required

Individual School Campus Report (OS/CR 102)--Suspension/Expulsion Data Requested (cont'd)

	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1976</u>
Pupils who received corporal punishment as a <u>formal</u> disciplinary measure during the previous year:									R-E, S
Pupils referred for disciplinary action to the court or juvenile authorities:									R-E, S
Pupils referred to alternative education programs as a formal disciplinary measure:									R-E, S

CHART 5:

INDIVIDUAL SCHOOL CAMPUS REPORT (OS/CR 102)--SEX DATA REQUESTED

	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1976</u>
Physical education classes, sections or instructional groupings at this school campus:								T	
Physical education classes, sections or instructional groupings which are com- prised of 80 percent or more pupils of one sex:								T	
Other classes, sections or instructional groupings at this school campus:								T	
Other classes, sections or instructional groupings which are comprised of 80 percent or more pupils of one sex:								T	
Pupils in grades 6-9 enrolled in a home economics course:									S
Pupils in grades 6-9 enrolled in an industrial arts course:									S

Key to Code (indicating breakdowns on survey forms):

R - by race only, and total
R-E - by race and ethnicity, and total
S - by sex, and total
T - only total counts, no breakdowns
X - only yes/no or other single answer questions
O - optional, answer not required

Individual School Campus Report (OS/CR 102)--Sex Data Required (cont'd)

	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1976</u>
Pupils enrolled in either home economics or industrial arts classes which are intended for or limited to pupils of one sex:									S
Pupils in grades 7-12 enrolled in the highest level natural science course offered at this school (specify name of course or program):									S
Pupils in grades 7-12 enrolled in the highest level mathe- matics offered at this school (specify name of course or program):									S

CHART 6: INDIVIDUAL SCHOOL CAMPUS REPORT (OS/CR 102)--BILINGUAL INSTRUCTION DATA REQUESTED

	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u> ^{1/}	<u>1976</u>
Pupils with a primary or home language other than English, which those pupils use... more often than English:									R-E
Pupils (with a dominant language other than English) in an English as a second language program or any class taught in a language other than English:									R-E

^{1/} In late 1974 an entirely separate survey of a few hundred districts with high concentrations of Hispanic and American Native students was conducted, using specially designed forms.

Key to Code (indicating breakdowns on survey forms):

R - by race only, and total
R-E - by race and ethnicity, and total
S - by sex, and total
T - only total counts, no breakdowns
X - only yes/no or other single answer questions
O - optional, answer not required

CHART 7:INDIVIDUAL SCHOOL CAMPUS REPORT (OS/CR 102)--SPECIAL EDUCATION DATA REQUESTED

	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1976</u>
Pupils in EMR/EMH programs:							R-E	R-E	R-E, S
Pupils in TMR/TMH programs:							R-E	R-E	R-E, S
Pupils in programs for the emotionally distrubed, socially maladjusted, under- achievers, and/or slow learners:								R-E	
Pupils in programs for physical, health, sensory and related handicaps:							R-E	R-E	
Pupils in programs for specific learning disabilities:							R-E	R-E	R-E, S
Pupils in other special educa- tion classes:							R-E		
Pupils in programs for seriously emotionally disturbed:									R-E, S
Pupils in programs for speech impaired:									R-E, S
Pupils in programs for orthopedically handicapped:									R-E, S

Key to Code (indicating breakdowns on survey forms):

R - by race only, and total

R-E - by race and ethnicity, and total

S - by sex, and total

T - only total counts, no breakdowns

X - only yes/no or other single answer questions

O - optional, answer not required

Individual School Campus Report (OS/CR 102)--Special Education Data Requested (cont'd)

	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1976</u>
Pupils in programs for blind or visually impaired:									R-E, S
Pupils in programs for deaf or hard of hearing:									R-E, S
Pupils in programs for other health impaired:									R-E, S
Pupils in programs for multi-handicapped:									R-E, S
Pupils in programs for gifted or talented:									R-E, S
Do any of the instructional buildings on campus have (the following) facilities/equipment to accommodate the needs of handicapped persons?									X
Pupils at this campus handicapped to the extent that they need special accommodations:									T
Are any special education programs operated at this school campus?									X

Individual School Campus Report (OS/CR 102)--Special Education Data Requested (cont'd)

	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1976</u>
Pupils by total amount of time spent in all special education programs in which they participate (less than 10 hours/week; more than 10 hours/week; full-time):									T (By class type)
Teachers assigned full or part-time to teach each of the special education programs listed:									T (By class type)
If this school campus has no special education program for the gifted or talented, report the number of pupils in honors, advanced placement or other enrollment programs:									R-E

CHART 8: INDIVIDUAL SCHOOL CAMPUS REPORT (OS/CR 102)--NEW SCHOOL CONSTRUCTION DATA REQUESTED

	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1976</u>
Has there been any permanent building construction which would accommodate increased student capacity at this school campus during the next year?			X	X					
Is any expected to take place during the following year?				X					
Does this school campus have any buildings or facilities that have been constructed or altered, since August 1, 1968, in whole or in part using Federal financial assistance?									X
State the school year in which additions to this school, if any, were opened (not including those opened before the 1954-55 school year):		X							

Key to Code (indicating breakdowns on survey forms):

- R - by race only, and total
- R-E - by race and ethnicity, and total
- S - by sex, and total
- T - only total counts, no breakdowns
- X - only yes/no or other single answer questions
- 0 - options, answer not required

CHART 9:**INDIVIDUAL SCHOOL CAMPUS REPORT (OS/CR 102)--TRANSPORTATION DATA REQUESTED**

	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1976</u>
Pupils transported to this school campus at public expense:				T ("for infor- mational purposes")	T		T	T	T
How many physically or mentally handicapped pupils who attend this school campus require transportation to get to school because of their handicapping condition?									T
- How many receive it at public expense?									T
- Can the transportation provided accommodate persons confined to wheelchairs?									X

Key to Code (indicating breakdowns on survey forms):

- R - by race only, and total
- R-E - by race and ethnicity, and total
- S - by sex, and total
- T - only total counts, no breakdowns
- X - only yes/no or other single answer questions
- O - options, answer not required

CHART 10: INDIVIDUAL SCHOOL CAMPUS REPORT (OS/CR 102)--SCHOOL LUNCH PROGRAM DATA REQUESTED

	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1976</u>
Does this school participate in the National School Lunch Program?					X				
If yes:									
- How many pupils participate?					R-E				
- How many are eligible to participate?					R-E				
- Estimate the number of pupils actually receiving free or reduced-price meals:					R-E				

Key to Code (indicating breakdowns on survey forms):

- R - by race, and total
- R-E - by race and ethnicity, and total
- S - by sex, and total
- T - only total counts, no breakdowns
- X - only yes/no or other single answer questions
- 0 - optional, answer not required

CHART 11: INDIVIDUAL SCHOOL CAMPUS REPORT (OS/CR 102)--WITHIN SCHOOL PUPIL ASSIGNMENT DATA REQUESTED

	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1976</u>
Number of instructional groups (classes) in lowest numbered grade at school:				T					
Count of <u>groups</u> by minority percentage composition of <u>group</u> (not a count of pupils):				R-E					
For grades 3, 6, 9, and 12 (or lowest numbered grade), the enrollment of each separate class or section. Where English is taught by section, answer only for English classes. Sections classified by minority percentage composition:					R-E	R-E			
Grades for which ability grouping is used:								X	

Key to Code (indicating breakdowns on survey forms):

- R - by race only, and total
- R-E - by race and ethnicity, and total
- S - by sex, and total
- T - only total counts, no breakdowns
- X - only yes/no or other single answer questions
- O - optional, answer not required

Individual School Campus Report (OS/CR 102)-- Within School Pupil Assignment Data Requested (cont'd)

	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1976</u>
For grades 3, 6, and 9 (or lowest grade), the enrollment of minority and non-minority pupils and count of sections by minority percentage composition of sections.							R-E*/	R-E*/	
For a random sample of 18 or fewer classes or sections at the school, report the grade level, subject, and the count of pupils in each separate class in the sample:									R-E, S

*/ Only minority versus non-minority subtotals available for pupil counts.

APPENDIX F

A Comparison of the Civil Rights Survey Forms to Other Federal and Massachusetts State Forms Completed By Individual Schools, School Districts, or State Educational Agencies Reporting on the Basis of Returns From Individual Schools or School Districts.

There are two distinct and contradictory charges placed against the Civil Rights Survey forms:

- (1) they are duplicative in that other federal or state forms collect the same data items;
- (2) they are burdensome in that they require extensive data collection efforts that would otherwise not be undertaken by schools.

CDF conducted a small study in order to discover the factual support for these charges. We collected a set of standard federal forms from all federal agencies asking data relating to public schools operations, including the National Center for Educational Statistics, the Office of Education, the Bureau of the Census, and the Equal Employment Opportunity Commission. We also collected a set of the standard Massachusetts Department of Education forms. We then compared each data element or breakdown of data elements* into race and/or sex categories that appeared on

* We will refer to these data arrays as "questions" hereafter. By question we mean a single set of related entries for which a single information gathering process (such as a records review, a classroom visual survey or a class schedule assignment computer program) could supply all the answers required. Our definition does not match the question numbering scheme used on the printed 101 and 102 forms, which often groups individual entry blanks differently.

either the OCR OS/CR-101 (the school district summary) or the OCR OS/CR-102 (the individual school report) to each of the data elements or breakdowns appearing on the other federal or Massachusetts forms. This is a report of the results of our comparisons.

Federal and State Forms Selected for the Comparison

Only recurrent forms submitted on a regular schedule were included in the comparison. Surveys taken only a single time for research and/or a specific reporting requirement were eliminated. Forms prepared by private agencies (for example, the National Education Association or the Massachusetts Association of School Business Officials) were eliminated. No forms routinely prepared for the individual school districts' school committees or town governments (such as school budgets or monthly expenditures and fund balance reports) were included, since these varied too greatly among districts. Certain nearly universal forms prepared in the course of local school operations but never submitted to any state or federal agency (such as insurance valuation documents, independent auditors' reports, and school system telephone directories) were also eliminated. Forms prepared at the request or order of either the legislative or judicial branches of either state or federal governments, but not passing through any executive branch agency (these include legislative committee surveys, legislative agency audit reports, and court ordered reports and

plans prepared as part of judicial proceedings) were not included.

Forms were included if they were regularly and recurrently submitted to an executive agency of either the federal or Massachusetts government and contained information derived from local schools or school districts. Forms were included even if not prepared by local school districts so long as the information they required ultimately had to come from local school district records and responses. Thus, certain forms prepared by the State Department of Education in Massachusetts and submitted to federal agencies were included, even though no local school district official ever saw them, since they contained information ultimately drawn from reports submitted to the state by local school officials. The corresponding local reports to the state were also included. As a result, certain federal requests for information about local school operations made of the state government (the NCES ELSEGIS documents are the most extreme example) produce two separate forms in our comparison, since both the federal form sent to the state and the state form sent to the local districts appear in our lists.

One of the most difficult decisions that we had to make was choosing among the many federal program applications and project activity summaries. The difficulty is that there are so many federal programs which might give a grant to a school district or a state (and thus require an application and sometimes an annual program activity report)

that including them all would add several hundred forms to our list. Since very few of the many federal programs would in fact collect data from more than a handful of school districts in any one state (many are for demonstration or categorical grants with very limited participation), and since most of the forms would have very little overlap with the OCR forms because the projects they fund do not require the counting of all the school children in a school district, we included only a selection of federal applications and activity reports. We included only those federal programs that were both widely distributed among school districts and provided direct services to children that were instructional in character.

The federal programs that were included were all those funded under:

Elementary and Secondary Education Act (ESEA)

Emergency School Assistance Act (ESAA)

School Assistance in Federally Affected Areas
(SAFA)

Education of the Handicapped Act (EHA)

Comprehensive Employment and Training Act (CETA)

Vocational Education Act (Voc Ed)

The SAFA program is better known as impact aid, and will be referred to under that name. The reasons for the omission of other well-known federal programs might be of interest.

Follow Through (P.L. 88-352) is applied for and reported upon as if it were a component of Title I ESEA, and thus does not have a separate set of forms. School lunch and milk programs were excluded because they do not produce educational services, although they do produce counts of school children. The National Defense Education Act (Title III, Equipment) and the Education Professions Development Act are related to instruction but do not require counts of children. The Johnson-O'Malley Act (Indian educational programs under P.L. 74-638) is not widely applicable in Massachusetts, but would be much more important in the West and Southwest: it does contain some data on American Indian children on its application. Law Enforcement Assistance Administration Justice and Delinquency Prevention grants to states and special emphasis areas have occasionally reached school districts but not frequently enough to be included. The many project grants for special topics (Ethnic Heritage Studies, Drug Abuse Education, Civil Rights Technical Assistance and Training, Handicapped Early Childhood Assistance, Right to Read, Educational Opportunity Centers, Career Education, Bilingual Vocational Training, Community Education, Women's Educational Equity, and a host of others) were all too infrequent to be included, even though individual applications and required reports from projects included a few data that were related to OCR topics.

Most such programs have no standard statistical items required from all applicants. The inclusion of such applications would just produce additional instances of non-duplication of the OCR data.

All state applications and required special program reports were included.

All federal required recurrent reports (not applications or special grant activity summaries) from any agency were included.

What Comparisons Were Made?

All the questions on the OCR OS/CR-101's and OS/CR-102's (hereafter 101's and 102's) except those numbered 1 through 4 on the forms (questions 1 through 4 identify the school district, the individual schools, and the responding school officer) were compared to every question on the other form.

The results of a comparison was a categorization of the pair of questions as identical, related or unrelated.

Identical: Two questions were considered to be identical if the information used to answer one of the questions could also have been used to answer the other. We did not require the questions to be worded the same, nor to ask for data in an identical format (for example, a count of persons and a percentage of a given total of persons were considered identical if one could be produced from the other arithmetically). Further, questions were

considered identical even if they asked for data at different levels of aggregation. For example, if one form asked for data from an individual school, while the other asked for data (of an identical kind) but totaled for the whole of a school district or even for a state, they were considered to be identical. The reason is that the process that answered the more aggregated question necessarily produced the answer to the less aggregated question, whether or not that answer was recorded.

Two questions were not considered identical if they might or might not be answered by identical information. That is, if the required answers might sometimes be the same depending upon special circumstances (such as all the children in a school being participants in the Title I (ESEA) program at that school), the questions were not treated as identical. However, if the OCR form could necessarily be answered from the comparison form's data, but the comparison form asked additional information or a finer breakdown of a count, the forms were considered to be identical, for that question, since the OCR form duplicated the non-OCR form.

Related: Two questions were considered to be related if they were not identical, but if the process that produced the answer to one of them could have also answered the other, but did not do so. For example, a count of the enrollment in a school's vocational education programs was considered to be related to a count by race and sex of the same programs.

Questions that used slightly different definitions (for example, children whose home language was other than English versus children whose dominant language was other than English) were considered to be related rather than identical. Questions that asked for counts from slightly different groups of children (for example, from all students in vocational education versus only certain specific vocational programs) were considered related, with two exceptions: counts of the total enrollment of a school were not considered to be related to counts of specific subgroups of students (such as those suspended or in special education), and counts of the total number of teachers or employees in a school were not considered related to counts of specific teacher assignments (such as teachers of the handicapped). The reason for these exceptions is that total counts of enrollment and employment are often maintained in schools by methods that are not easily adapted to provide finer breakdowns.

Questions were considered related even if they were asked of different levels of aggregation, so long as they met the previous definition of relatedness. For example, a school total would be considered to be related to a state total, if, in the process of preparing the state total, the corresponding school total had to be prepared, even if it was not reported.

The importance of related questions is that they indicate that an information generating process is occurring that could be easily modified to produce the answer to either question. The most common occurrence was when the non-OCR form asked for counts of the same children as the OCR form requested, but the non-OCR form did not ask for those totals to be taken separately by race and sex, while the OCR form did.

Unrelated: When two questions were neither identical nor related, they were categorized as unrelated. It is quite possible that an "unrelated" pair of questions might be answered by a process that could be easily modified to produce the answer to either, but we had no way of knowing that. For example, a count of school dropouts required on an ESEA Title I application might have been taken by door-to-door methods that could have also identified the number of handicapped children not currently enrolled in school but resident in a school's attendance area, and eligible for attendance there-- however, we could not know that the door-to-door method was used, and we do know that the most commonly used method of counting dropouts (disenrollment records kept in the school office) does not reach to unenrolled children.

Report of Results by Form Counts

The total number of individual forms compared to the OCR forms was 30. There were 9 state forms, of which one

was a program application. There were 21 federal forms, of which 10 were program applications or project activity summaries. Table 1 shows the general result of the comparisons between these 30 forms and the 101's and 102's. The list of the forms compared is given in Attachment A.

Table 1 offers a very strict comparison. A form is counted in the identical columns if a single question on the form is identical to an OCR form question. Only five of the 30 forms have any identical questions, and none of them had more than two questions that exactly matched the OCR forms.

The following conclusions are rather striking:

No federal report (as opposed to a project application or project activity summary) duplicates identically even a single question from either the 101 or the 102.

Only federal program applications (the ESAA and the EHA) did have at least one question that was identical to a question on the 101 and 102. This is not surprising in that the ESAA application was designed to match the OCR forms, since OCR has monitoring responsibilities over ESAA projects, and the EHA is a federal program funded in part to help states meet their obligations under section 504 of the Rehabilitation Act of 1973 over which OCR has monitoring responsibilities.

Three Massachusetts state reports have at least one question identically matching an OCR question. In every case the question was a question about special education programs, and results from the strong state law (Mass. Public Law 766) prohibiting discrimination against the handicapped.

Table 1

Count of the Number of Federal Reports, Federal Applications and Project Reports, and Massachusetts State Forms that Matched the 101's and 102's on One or More Questions.

Type of
Form

	Entirely Unrelated to 101 and 102	<u>With at least one question that was:</u>		Total
		<u>Related, but never identi- cal to 101 and/or 102</u>	<u>Identical to 101 and/or 102</u>	
Federal Report	8	3	0	11
Federal Program ^{1/}	3	5	2	10
Mass. Report	4	2	3	9
Total	15	10	5	30

^{1/} Project applications or project activity summaries.

Fully half the forms reviewed had at least one question that was either related or identical to an OCR question, where the term "related" implies that a process of data collection occurred that might have answered the OCR question easily.

In general, while half the forms reviewed were totally unrelated to the OCR forms, the other forms were related; yet not a single federal report had even a single identical question to either the 101 or the 102, and all the identical questions shared with either federal project applications or the state reports exist either because of design or because of an active state compliance law similar to one of the national laws OCR enforces. The charge of "duplication" is not particularly credible.

Report of Results by Question Counts

In order to examine whether the OCR forms are burdensome as opposed to duplicative - we must look at our data in another way. There are 19 "questions" on the 101 and 17 "questions" on the 102. By questions we mean single set of related entries for which a single process would supply all the data needed. That is, a question is not a single space on the form, but an array of data element positions all of such definition as to require only a single counting process to answer simultaneously. For example, a "breakdown" of enrollment by race is considered a single question, rather than five separate questions. On the other hand, two blanks asking for handicapped child counts, but one asking for a

count of resident children and the other asking for a count of out-of-district tuition students are considered different questions, even though they appear within the same question number on the OCR form (the 101, in this case). The reason they are considered separate questions is that a separate process is likely to be used to answer them.

Table 2 gives the breakdowns for the 19 questions on the 101 and the 17 questions on the 102 (as defined above) by whether or not there were ever identical or, if never identical, then related questions on any of the groups of forms.

Only five of the 19 questions on the 101 and one of the 17 questions on the 102 were identical to any questions on any of the thirty comparison forms. But only six questions on the 101 and only two questions on the 102 were totally unrelated to all the other forms. That is, out of the 36 questions on both OCR forms taken together, only eight (less than a quarter of the total) were not derivable as by-products from the other data collection activities that most local school districts engage in. If we look only at federal reports (not applications) however, only five of the 36 questions could emerge as by-products. The data generating activities that could be used to produce the OCR information are typically those required either for application for federal grants or for regular state reporting.

Table 2

The Number of Questions on the 101's and 102's for Which There Were Ever Identical Questions, or, If Never Identical, Then Related Questions on Any Comparison Form, By Type of Form.

Comparison Status of Questions	Questions Found Identical, Related, or Unrelated When Compared to all Questions Found on:				
	Federal Reports	Federal Projects	Any Federal Form	Mass. Reports	Any Federal or State Form
101 Questions					
Identical	0	2	2	3	5
Related, but not identical	1	8	8	8	8
Unrelated	18	9	9	8	6
Total	19	19	19	19	19
102 Questions					
Identical	0	1	1	0	1
Related, but not identical	4	10	13	12	14
Unrelated	13	6	3	5	2
Total	17	17	17	17	17

This is not particularly surprising in that OCR alone is monitoring compliance with federal law, except where federal operating agencies have statutory responsibility for the specifics of a federal grant.

It is worth noting which questions were totally unrelated to all 30 forms. (The question-by-form matrix can be seen in Attachment B.) The six questions on the 101 that were not related to any other data collection process were those asking about court orders, consolidation of school districts, student discipline, and three questions about handicapped children not in regular school programs. Only the student discipline question required race and sex breakdowns. The two questions on the 102 form that were not related to any other form were those relating to architectural barriers and to student discipline. Again, only the student discipline breakdown required reporting by race and sex. It is reasonably obvious, therefore, why the student discipline breakdowns have been the focus of criticism of the OCR forms. They are the only topics for which a local school system need not have an existing data collection system because of other non-OCR reporting requirements.

The conclusions drawn from Table 2 are:

Only six of the 36 questions on the 101 and 102 are identical to questions on any other form, and none of the 36 are identical to questions on any federal report.

But only six of the 19 questions on the 101, and only two of the 17 questions on the 102 are related to the data collection processes required by at least one other form, although 31 or the 36 are unrelated to the data collection processes required by other federal reports.

Clearly, the burdensomeness of the OCR reporting requirements are not necessarily high, if a school district chooses to adapt the data collection procedures used to fill out state reports and federal grant applications to also produce the related OCR data. Although ESAA regulations require non-discrimination in student discipline, there is no other federal or (in Massachusetts) state report or application which requires some reporting on student discipline. (Such reporting incidentally occurs on some applications --particularly those for LEAA Juvenile Justice and Delinquency Prevention grants in the narrative or needs assessment portions --but it is not required anywhere, and the applications in which it appears are infrequent and excluded from this study.) With the single exception of that breakdown, the Title VI portion of the OCR effort is clearly a burden only if a school district chooses to make it so. A few handicapped counts are also unrelated to all current reporting requirements on non-OCR agencies, but they are not likely to remain so once the Education of the Handicapped Act has funded schools to locate all their handicapped children and remove architectural barriers that prevent access to schools. Taken as a whole, the OCR data require-

ments fit well into the overall data collection patterns of public schools, and should not incommode a well designed system.

School districts which propose that the OCR forms present an impossible reporting burden should have their other federal program applications and required state reports examined in detail to see if the districts have failed to construct the basic systems that would make OCR reporting relatively unburdensome.

Since the vast majority of "related" entries come about in the charts in Attachment B because a school district is asked to report on the relevant educational program categories but not on the racial, sexual, linguistic, or handicapped classifications of children in the programs being reported -- thus making compliance monitoring impossible for school districts, states, and the federal government -- it is unmistakably clear that compliance reporting is a very small part of the general data production efforts of the public schools. The most pressing need is certainly not to reduce that portion still further. Rather, the other, non-OCR defined forms need to be expanded in order to improve their value as information sources for compliance reviews. Since it does not cost more to report a total partitioned into compliance categories, given that a data collection process that produces the total already exists, such expansion could be carried out with little or no real increase in reporting burden.

ATTACHMENT A

List of Federal and State Forms

Federal Forms

Federal Reports:

OE 2350-5

National Center for Educational Statistics (NCES), HEW
Elementary and Secondary General Information System (ELSEGIS)
Fall Survey, Part I, Pupils and Staff

State level data. Some related data. Three pages. Annual.

OE 2350-11

NCES, HEW

ELSEGIS

Part A-2a, State Elementary and Secondary School Statistics

State level data. Some related data. Seven pages. Annual.

NCES, 2350-7

NCES, HEW

ELSEGIS

Fall Survey, Part 3, Schoolhousing Report

State level data. Some related data. Two pages. Annual.

OE 2350-12

NCES, HEW

ELSEGIS

Part A-2b, State Elementary and Secondary School Statistics

Finance and State Education Department Operations

State level data. No related data. Fourteen pages. Annual.

OE 2350-6

NCES, HEW

ELSEGIS

Part A-2 State Fiscal Report

State level data. No related data. Two pages. Annual.

C-700 (SL)

Bureau of the Census, Department of Commerce

Construction Project Report

School level data. No related data. Two pages. Monthly during construction of a building.

Federal Reports (continued):

F-33

Bureau of the Census, Department of Commerce

ELSEGIS

Survey of Local Government Finances, School Systems

School district level. No related data. Four pages. Annual.

E-6

Bureau of the Census, Department of Commerce

Survey of Government Employment, School Systems

District level data. No related data. Four pages. Annual.

F-42

Bureau of the Census, Department of Commerce

Survey of Local Government Finances, School Building Agencies

District level data. No related data. Four pages. Annual.

EEOC-168 (also given as EEO-5)

Equal Employment Opportunity Commission (Independent), with
OCR, NCE3

Elementary-Secondary Staff Information (EEO-5)

School level data. No related data. Two pages. Annual.

(no form number, no data entries required)

NCES, HEW

ELSEGIS

Directory Listing of LEA's by State

District data. No related data. No fixed length. Annual.

(This is a listing of district names, addresses, and total enrollment counts produced by NCES, on which states enter recent changes).

Federal Forms:

Federal Program Applications and Project Reports:

(No form code)

Massachusetts Department of Education, Title I Office
Application for ESEA, Title I

(States now design ESEA applications; Massachusetts uses a copy of the previous Office of Education form)

District level data. Some related data. Nine pages plus narrative. Annual.

OE 116-1

Office for Education, HEW

Application for...Emergency School Aid Act

School and district level data, mixed. Some related data. Twenty six pages. Annual.

OE 4560-1, 2

Office of Education

ESEA, Title I Comparability Report

School level data. Some related data. Three pages. Annual.

OE 380-2

Office of Education

Performance Report, Title I, ESEA of 1965

State level data. Some related data. Four pages. Annual.

OE 4561

Office of Education

Application for...Bilingual Education Program, (ESEA, Title VII)

School level data. Some related data. Six pages. Annual.

OE 346 (copies sometimes sent by state to local districts)

Office of Education

Discriptive Report of Program Activities in Vocational Education

State level data. Some related data. Twelve pages. Annual.

(no form number yet assigned, proposed form)

Office of Education

Education of the Handicapped Act Annual Program Plan Data Requirements

State level data. Some related data. Ten pages. Annual.

OE 4019

Office of Education

Application for School Assistance in Federally Affected Areas

District level data. No related data. Eleven pages. Annual.

Federal Program Applications and Project Reports (continued):

OE 345

Office of Education

Vocational Education Financial Status Report

State level data. No related data. Ten pages. Annual.

MA 5-135 and/or ETA 5-136

Employment and Training (Manpower) Administration, Dept. of
Labor

CETA Program Implementation Report/Status Summary

District level data. No related data. Three pages. Annual

(Data would be related if trainees were school-age persons).

Massachusetts State Forms:

(no number)

State Department of Education

End of Year Pupil and Financial Report - School Returns

District level data. Related data. 112 pages. Annual.

(no number)

State Department of Education

Individual School Report, October 1

School level data. Related data. Twenty pages. Annual.

(no number)

State Department of Education

School System Summary Report, October 1

District level data. Related data. Twenty-four pages. Annual.

(no number)

State Department of Education

Fall Statistical Report, October 1

District level data. Related data. Four pages. Annual.

(no number) referred to as TBE-(date)

State Department of Education

Transitional Bilingual Educational Program Application

District level data. Related data. Fourteen pages. Annual.

(This is a mandatory application).

(no number)

State Department of Education

Directory Update

School level data. No related data. One page. Annual.

(A state produced computer listing of the name and address of a school).

(no number)

State Department of Education

Report on the Educational Census, January 1

District level data. No related data. Six pages. Annual.

(This report does contain a count of bilingual children out of school, and not enrolled in any school. The OCR forms have no such question.)

(no number)

State Department of Education

School Building Inventory (Update)

School level data. No related data. One page. Annual.

(no number)

State Department of Education

System Directory Information (Administrative Personnel)

District level data. No related data. One page. Annual.

ATTACHMENT B

Charts Comparing OCR forms OS/CR-101 and OS/CR-102 to Other Federal and Massachusetts Forms, Question by Question. (Only Federal or Massachusetts Forms Having at Least One Related or Identical Question are Shown on the Charts.)

Chart 1: A Comparison of the 101 to Federal Forms.

Chart 2: A Comparison of the 101 to State Forms.

Chart 3: A Comparison of the 102 to Federal Forms.

Chart 4: A Comparison of the 102 to State Forms.

Key to Symbols Used on the Charts

Identical Questions: When the information on the comparison chart could be used to answer the OCR question, the questions are considered identical, even if there were slight differences in wording or the format in which data was recorded. Identical questions produced data that could be submitted for the data collected by OCR.

- X A pair of identical questions, with the data given for the same level of aggregation.
- X* A pair of identical questions, with the OCR form asking for a higher level of aggregation than the comparison form.
- X* A pair of identical questions, with the OCR form asking for a lower level of aggregation than the comparison form.

Related Questions: When the process used to answer the comparison form's question could have also answered the OCR question (but did not do so), the questions are related. Related questions do not produce data that can be used for OCR compliance reviews, but they could produce such data without additional burden.

- O A pair of related questions, with the data given for the same level of aggregation.
- O* A pair of related questions, with the OCR form asking for a higher level of aggregation than the comparison form.
- O* A pair of related questions, with the OCR form asking for a lower level of aggregation than the comparison form.

(blank) - Unrelated questions.

Chart I

101 School System	A. OE 2350-5 ELSEGIS Pupils & Staff	B. OE 2350-11 ELSEGIS E&S Statistics	C. NCES 2350-7 ELSEGIS School housing	D. OE 116-1 ESAA App.	E. (State Version) ESEA Title I App.	F. OE 4560-1, 2 ESEA Title I Comp.	G. OE 380-2 ESEA Title I Perf.	H. OE 4561 ESEA Title VII Appl.	I. OE 346 Voc Ed Program	J. (P.L. 94-142 draft) EHA App.
5. a&b Changes in school system										
6. Court desegregation order										
7. Different course of study by sex										
8a. Count of membership by race and sex	0*		0*	X	0	0*	0*	0	0*	
8b. Voc ed enrollment, race and sex									0*	
8c. Pupils suspended by race and sex										
8d. Non-english pupils by race				0		0*	0*			
8e. ESL-Bilingual enrollment by race				0						
8f. Special ed enrollment (total) by race							0*		0*	0*
8f. 1, 2 Special ed by type, by race					0					
9. Special Ed Programs										
a. resident, school age requiring special ed										0*
b. residents in cooperative programs										
c. residents in other public programs										
d. residents in other private programs										0*
e. non-residents in this public program										
f. out of school because of handicap										
g. number of(f) children in homebound prog.										X*
h. children having comprehensive eval. in last school year.										

Chart 2

	AA. End of Year Pupil & Financial	BB. October 1 Individual School	CC. October 1 School System Summary	DD. October 1 Fall Statistical	EE. Transitional Bilingual Appl.						
<u>101 School System</u>											
5. a&b Changes in school system											
6. Court desegregation order											
7. Different course of study by sex											
8a. Count of membership by race and sex	0	0 *	0	0							
8b. Voc ed enrollment, race and sex	0	0 *									
8c. Pupils suspended by race and sex											
8d. Non-english pupils by race		0 *	0		0						
8e. ESL-Bilingual enroll- ment by race	0				0						
8f. Special ed enrollment (total) by race	0	X *	0								
8f. 1, 2 Special ed by type, by race											
<u>9. Special Ed Programs</u>											
a. resident, school age requiring special ed	0										
b. residents in coopera- tive programs											
c. non-residents in other public programs	0										
d. residents in other private programs	0										
e. non-residents in this public program	X										
f. out of school because of handicap											
g. number of(f) children in homebound prog.											
h. children having com- prehensive eval. in last school year	X		X								

Chart 3

102 Individual School	A. OE 2350-5 ELSEGIS Pupils & Staff	B. OE 2350-11 ELSEGIS E&S Statistics	C. NCES 2350-7 ELSEGIS Schoolhousing	D. OE 116-1 ESAA Appl.	E. (State Version) ESEA Title I Appl.	F. OE 4560-1, 2 ESEA Title I Comp.	G. OE 380-2 ESEA Title I Perf.	H. OE 4561 ESEA Title VII Appl.	I. OE 346 Voc Ed Program	J. (P.L. 94-142 draft) EHA Appl.
5. Is school exclusively handicapped?			0*							
6. Number of voc ed programs									0*	
7. Architectural barriers to the handicapped										
8,9. Count of children needing special accommodations or transportation										
10. Count of pupils transported		0*								
11,12. Count of pupils in specific academic/ vocational courses by sex							0*		0*	
13. Count of membership by race and sex		0*		0*	0	0	0*	0	0*	
14. Count of dropouts by race and sex					0					
15. Count of graduates by race and sex	0*									
16. Count of non-English speaking				0*			0*	0		
17. Count of ESL or bilingual courses				0*				0		
18. Count of discipline by race, sex & type										
19,20. Special ed by race and type				X*			0*		0*	
20. Special ed by type and sex				0*	0*		0*	0*		
20. Special ed by type and time in isolation				0*			0*		0*	
21. Special ed teacher by type									0*	

Chart 4

102 Individual School	AA. End of Year Pupil & Financial	BB. October 1 Individual School	CC. October 1 School System Summary	DD. October 1 Fall Statistical	EE. Transitional Bilingual Appl.															
5. Is school exclusively handicapped?																				
6. Number of voc ed programs		0																		
7. Architectural barriers to the handicapped																				
8,9. Count of children needing special accom- modations or transp.	0*																			
10. Count of pupils transported	0*																			
11,12. Count of pupils in specific academic/ vocational courses by sex	0*																			
13. Count of membership by race and sex	0*	0*	0*	0*																
14. Count of dropouts by race and sex																				
15. Count of graduates by race and sex	0*																			
16. Count of non-English speaking		0	0*		0*															
17. Count of ESL or bi- lingual courses	0*				0*															
18. Count of discipline by race, sex & type																				
19, 20. Special ed by race and type	0*	0																		
20. Special ed by type and sex		0																		
20. Special ed by type and time in insolation	0*	0	0																	
21. Special ed teacher by type	0*		0*																	
23. Pupil grouping by race and sex																				

APPENDIX G
MIDDLEBOROUGH PUBLIC SCHOOLS
Middleboro, Massachusetts

FEDERAL REPORTS REQUIRED

<u>Description</u>	<u>Source</u>	<u>Frequency</u>
Survey of Gov't Employees	Bureau of Census	Annually
Construction Survey	U.S. Department of Commerce	Monthly
Elem. and Sec. Staff Survey	Equal Employ. Opportunity Com.	Annually
PL-874 Impacted Area Survey	Health, Education & Welfare	Annually
PL-90-576 Occup. Ed. Survey	Health, Education & Welfare	Annually
School Lunch Survey	Rep. Carl D. Perkins	Periodically
Teacher (School Bd.) Negotiation	National Education Association	Periodically
Ele. & Sec. Schools Civil Rights Study (1976)	H.E.W. and O.C.R.	Annually
School Construction Financing Survey	Health, Education & Welfare	Annually
Federal Aid & Budget Cuts Survey	Rep. Carl D. Perkins	Periodically
Safe Schools Survey	Health, Education & Welfare	Periodically
Impact Area Aid Survey	Rep. Carl D. Perkins	Periodically

MIDDLEBOROUGH PUBLIC SCHOOLS
Middleboro, Massachusetts

STATE REPORTS REQUIRED

<u>Description</u>	<u>Source</u>	<u>Frequency</u>
System Directory Information(Update)	Div. Research, Plan. & Eval. Department of Education	Annually
Racial Census of Public School Students System Summary	" "	Annually
Directory Update	" "	Annually
School Building Inventory	" "	Annually
Special Education	" "	Annually
Individual School Reports	" "	Annually
Bilingual Children - Limited English Speaking Children	" "	Annually
Professional Staff Report	" "	Annually
Distribution of White, Non-White	" "	Annually
Fall Census Report	" "	Annually
End of Year Pupil & Financial Report	" "	Annually
School Funds & State Aid for Public Schools	" "	Annually
Claim for State Aid to Occupational Programs	" "	Annually
Claim for State Aid to Special Educa- tion Programs	" "	Annually
Breakfast Cost Survey	School Lunch Program, Dept. of Ed.	Periodically
Bookkeeping & Accounting Survey	Mass. Assoc. School Business Officials	Periodically
Projected Building Needs Survey	Sec. of Educ. Affairs - Paul Parks	Periodically
Testing Survey	Sec. of Educ. Affairs - Paul Parks	Periodically
Vacancy Reports	Div. of Employment Security	Monthly
School Health Services Survey	Mass. Dept. of Mental Health	Annually
Title I Comparability	Div. Research, Plan. & Eval. Department of Education	Annually
Report on the Educational Census	Pupil Accounting Office, Dept. of Ed.	Annually

STATE REPORTS REQUIRED, Continued

<u>Description</u>	<u>Source</u>	<u>Frequency</u>
PL 90-576 Occupational Education	Div. Research, Plan. & Eval. Department of Education	Annually
Gifted & Talented Student Survey	" "	Annually
Vandalism Questionnaire	Advisory Council on Education	Periodically
Adult Education Informational Returns	Occupational Educ., Dept. of Educ.	Annually
Free or Reduced Meal Survey	School Lunch Program, Dept. of Ed.	Semi-Annual.
Elderly Social Services Survey	Executive Office of Elderly Affairs	Periodically
Fine Arts Survey	University of Massachusetts	Periodically
Instructional Media Survey	Bridgewater State College	Periodically
Fiscal Autonomy Survey	Mass. Assoc. School Committees	Periodically
School Dist. Org. & Collaboration Survey	Mass. Advisory Council on Educ.	Periodically
School Day & Year Questionnaire	Department of Education	Periodically
Educ. Psychological Services Questionnaire	University of Connecticut	Periodically
Collective Bargaining Questionnaire	Mass. Taxpayers Foundation	Periodically

Note: I've eliminated 15-20 other requests of information from fellow Superintendents, magazines and towns, etc.

MIDDLEBOROUGH PUBLIC SCHOOLS
Middleboro, Massachusetts

LOCAL REPORTS REQUIRED

<u>Description</u>	<u>Source</u>	<u>Frequency</u>
Town Reports	Town Manager	Annually
Budget	Finance Committee	Annually
School Land Needs	Municipal Sites Acquisition Com.	
Building & Contents Inventory	Town Manager	Annually
Long Range Planning Projections	Town Growth Committee	Periodically

Special Project reports needed for building committees (enrollments and classroom needs projections) plus myriad instances in which information is needed for local decisions.

APPENDIX H

STEPS IN THE DEVELOPMENT PROCESS FOR AN OCR SCHOOL CIVIL RIGHTS SURVEY (SIMPLIFIED)

Pretest Cycle

1. OCR secures permission from the Deputy Assistant Secretary for Management Planning and Technology to plan a pretest, and to let the required consultant contracts. At least 3 weeks.
2. OCR secures clearance from EDAC (which requires publication in the Federal Register of the data collection plan and the sampling plan) of the proposed pretest. This step was not required before 1977. At least 8 weeks.
3. OCR secures permission from the HEW/OMB Liaison Officer to seek OMB clearance of the pretest forms and data collection design. At least 2 weeks.
4. OCR seeks clearance from the Clearance Officer of OMB for the proposed pretest forms and the data collection plan. At least 2 weeks, without hearings, otherwise at least 8 weeks.
5. OCR seeks approval of the pretest contract from the OS contract Officer. At least 2 weeks.
6. OCR lets the pretest contract to the external contractor who performs the work. At least 10 weeks.
7. Contractor delivers the report of the results of the pretest to OCR. At least 8 weeks.

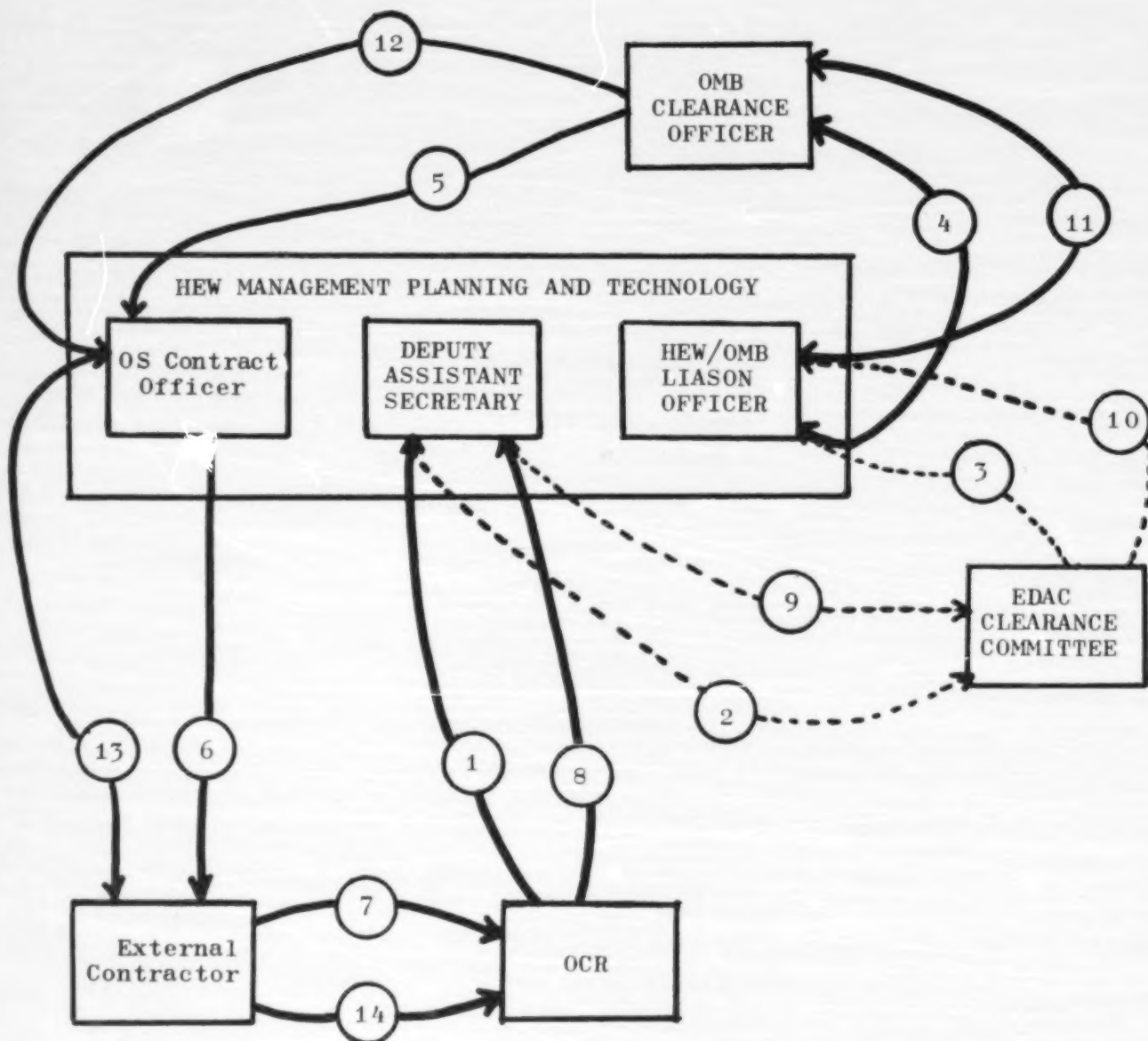
Survey Cycle

8. OCR secures permission from the Deputy Assistant Secretary for Management Planning and Technology to plan a survey, and to let the required consultant contracts. At least 3 weeks.
9. OCR secures clearance from EDAC (which requires publication in the Federal Register of the data collection plan and the sampling plan) of the proposed survey. This step was not required prior to 1977. At least 8 weeks.
10. OCR secures permission from the HEW/OMB Liaison Officer to seek OMB clearance of the survey forms and data collection design. At least 2 weeks.

11. OCR seeks clearance from the Clearance Officer of OMB for the proposed survey forms and the data collection plan. At least 2 weeks, without hearings, otherwise at least 8 weeks.
12. OCR seeks approval of the survey contract from the OS contract Officer. At least 2 weeks.
13. OCR lets the survey contract to the external contractor who performs the work. At least 2 weeks.
14. Contractor delivers the report of the results of the survey to OCR. At least 15 weeks.

If no steps overlap, the time required ranges from 77 to 89 weeks. These time estimates do not include the actual development work inside OCR, but merely reflect external delays due to the time needed by other agencies, the required periods to advertise contracts, publish Federal Register notices, and the like.

DEVELOPMENT PROCESS FOR AN OCR SCHOOL CIVIL RIGHTS SURVEY
(SIMPLIFIED)



APPENDIX I

Waivers of 1976-77 Survey Reporting Requirements and Filing Dates Granted by OCR to Individual Districts and States

After the lengthy controversy over the 1976-77 Civil Rights Survey and the final resolution of that controversy in January 1977 in favor of the Survey's completion, the public had every right to expect that the required data would in fact be reported by school districts. However since the new administration assumed office, waivers of both reporting requirements and filing deadlines have been granted to two of the largest school districts in the country with long histories of pending compliance actions and previous reporting failures -- New York City and Los Angeles. These waivers remove or weaken essential federal protections for the over two million school children in these two districts. They also increase future OCR costs because they occurred in districts where OCR cannot legally forego the data originally demanded, and thus OCR will have to collect the data itself and at its expense. Finally, these waivers set a precedent that will haunt the OCR Survey system in the future. The cases we describe below illustrate these points:

New York City is under an OCR "Big City Review." This is a comprehensive assessment of many different compliance issues and areas consolidated into one large unitary investigation. OCR wrote letters of findings about employment practices in New York in September, 1977 and about pupil services and assignment practices on January 17, 1977. These letters, based on previously collected data that cost OCR over \$1 million, accused the New York City school system of permitting racial discrimination in student discipline and

program assignments, and discrimination against non-English dominant children in instructional placements.

OCR had collected this data at its own expense in part because New York City had not reported accurately or completely on these issues in past Surveys. For example, problems in the City's school discipline reporting was pointed out in the Children's Defense Fund's study of school suspensions during 1972-73. Since New York has been included in all previous Civil Rights Surveys during the 1970s, it was fully aware of the kind of information required by it. The 1976-77 data would have filled the gaps exactly in the specially collected data that OCR had, since the 1976-77 102 forms went to every school, while the special data covered only a partial selection of schools.

Despite the pending investigation, New York City was granted a waiver from reporting school disciplinary data, dropout data, program assignment data, and non-English instructional assignments apart from ESL placements, which destroys the value of the Survey's use in the course of the New York City compliance review. Because this data is essential to OCR's compliance investigation, the waiver strikes at the heart of OCR's monitoring function which is the sole legal justification for its data collection powers.

The suspension data requested on the 1976-77 Survey -- especially on the 101 form -- was such that any reporting system that could answer the questions previously asked in the 1973-74 or the 1974-75 Survey contained the information needed to answer the 1976-77 questions. At

the very least, OCR could have required New York City to answer those 1976 questions similar to ones asked in 1974 since they had received notice to keep that data in OCR's December 1975 memorandum.

New York City Board of Education Chancellor Irving Anker wrote to OCR Acting Director Albert Hamlin on March 3, 1977^{1/} requesting a waiver from any racial breakdown of suspended student counts. Among his arguments for the waiver were:

The fact that elections are scheduled by the United Federation of Teachers, the Council of Supervisors and Administrators, and community school boards in the near future add to the already charged situation in the City's schools.

About 80 percent of the data can be supplied without a major confrontation in many schools. Resistance to the gathering of ethnic information is increasing daily, because of our use of Central Board staff to obtain data from schools not in compliance.

The accuracy of the 1975-76 data required by the OCR from all schools in such areas as suspensions, discipline problems, and dropouts by ethnicity would be subject to question, even if such data could be obtained.

OCR wrote back on March 23, 1977 agreeing to the waiver, including one on the reporting of the ethnicity of graduates from high schools (for which no rationale had been offered) on the grounds that these data were "retrospective." Indeed, such data are "retrospective" in every school district. But New York City, which had known about the requirement to keep such data since the 1972-73 school year,

^{1/} The correspondence relating to the requests for waivers from the 1976-77 reporting requirements-- too lengthy to be reprinted here-- is public information available from OCR. CDF also has collected these documents.

was granted a waiver, while thousands of other school districts encountering the Survey for the first time in 1976-77 did not receive waivers and complied fully with the law.

On March 24, 1977, New York City again wrote to OCR requesting further waivers from the 101 reporting requirements. One aspect of this request is especially interesting. New York City stated that no data was available by sex for enrollments in school vocational programs. OCR wrote back accepting this rationale and allowing New York City to skip that question. Yet, the state report to the Office of Education on vocational education activities filed by every state (OE Form 346-1 and its continuations, OMB approval No. 51-R1034, entitled "Descriptive Report of Program Activities for Vocational Education") gives a breakdown by sex and race of the total vocational pupil enrollment in the state. How could the state of New York report a total that includes counts which the city of New York doesn't know? Why doesn't OCR know what data school districts must have, due to other federal reporting requirements?

Los Angeles is a district just going into an OCR "Big City Review." It, too, has received OCR Surveys in the past, and thus is thoroughly aware of their contents. Los Angeles is under court order to prepare a desegregation plan for implementation during the 1977-78 school year, so the 1976-77 Civil Rights Survey data would be the critical baseline against which post-desegregation events would be compared, among them disciplinary and dropout rates.

On December 3, 1976, the Los Angeles Superintendent of Schools

wrote to Martin Gerry, then Director of OCR, asking for a mass waiver of reporting requirements, and offering to substitute previous surveys taken as a part of the desegregation planning process and as a part of regular school operations. Director Gerry replied on January 17, 1977, allowing for some substitutions but also asking for most of the data covered in the Survey. For example, Los Angeles originally proposed to substitute their regular internal report on school discipline (in existence since 1972) which gives the count of suspensions by race of the student suspended, but which does not give a count of students suspended (thus avoiding double counting of multiply suspended students). Los Angeles had previously failed to report in 1973 and 1974. By 1976, Los Angeles had been on notice for approximately four years about the correct form of data required to compare Los Angeles suspension rates to the rates of other comparable districts across the country. CDF had already pointed out its previous failures to report correctly to OCR. But OCR's January 1977 letter simply told Los Angeles to report correctly.

Without further explanation, OCR wrote Los Angeles a second letter after the new administration took office, granting Los Angeles' original request to substitute non-comparable data for the original Survey in its entirety.

Los Angeles is now beyond OCR's reach on some critical issues. For example, post-desegregation disciplinary statistics will not be comparable to those available prior to the imposition of a court-ordered plan, and there will be severe difficulty in locating com-

parable national standards.

CDF was told that this decision to reverse an existing denial of a waiver was made by Peter Libassi, then consultant to Secretary Califano, and now HEW General Counsel. The only condition attached to this collapse of will in enforcing the civil rights laws was a provision that Los Angeles would report fully on the 1977-78 Survey-- subsequently cancelled by HEW Secretary Califano.

Although the examples of the requested and granted waivers given above are inexcuseable and we are critical of the New York and Los Angeles waivers, other waiver requests were properly granted. The state of Florida, and the cities of Minneapolis, Baltimore, Philadelphia and Seattle all requested either a slight extension of time, permission to file data based on the OCR pretest version of the Survey rather than the slightly modified final form, or permission to file computer printouts giving exactly the required data in lieu of the preprinted forms. These are all examples of waivers being used quite appropriately to adapt to special local circumstances.